













A  
CONTINUATION  
OF THE  
LETTERS,  
FROM THE  
Ambassadors and Mediators  
FOR THE  
GENERAL PEACE  
AT  
N I M E G U E N.

Beginning *January the First*, 1676-7.

---

V O L. I.

---



---

L O N D O N:

Printed for JOSEPH DOWNING, in *Bartholomew-Close*; WILLIAM TAYLOR, at the *Ship* in *Paper-nuster-Row*; WILLIAM and JOHN INNYS, at the *West-End* of *S. Paul's*; and JOHN OSBORN, at the *Oxford-Arms* in *Lombard-Street*. M.DCC.XXIV.





A  
CONTINUATION  
OF THE  
LETTERS, &c.



*Nimeguen, 1<sup>st</sup> Jan. 1676-7.*

*Right Honourable SIR,*



UR last was of the 28<sup>th</sup> past, since which we have not any from you to acknowledge.

IN that last we gave you, among other Things, an Account of M. Kinski, the *Imperial* Ambassador's Desire to us, that we would *tirer parole* (to ourselves at least-wise) from the *French* and *Swedes*, who they intended to govern themselves towards him, as to the

giving and receiving the first Visits.

WITH the *Swedes* we found no Difficulty, they expressed themselves with especial Respect to the Emperor, and a Resolution to give his Ambassador all the Content he could expect.

THE *French*, upon our Applications to them in Conference on *Thursday*, expressed themselves to this Effect; That they were perfectly disposed to render all the Honour due to the Person, and to the Character of the Ambassador.

2. THAT as soon as ever he shall please to notify to them his Arrival, they will return him his Complement, and demand of him an Hour for their Visit, which they would give him *aussi-tôt qu'il seroit possible*.

3. To give you the very Words they expressed themselves in, (for we took them in Writing in their Presence) they added, — *Comme ils luy temoigneront par la le respect qu'ils ont pour S. M. Imperiale, ils s'attendent que M. le Count Kinski, donnera des Marques du sien envers S. M. Très Chrétienne en leur restituant la premiere visite preferablement à tous autres Ambassadeurs, excepté Messieurs les Mediateurs*.

THESE are the Words of the *Eclaircissement*, which the *French* were pleased to give; nor would they be perswaded from making an express Demand, that the first *contre* Visit should be return'd to them.

HIS having demanded an Assurance, that the *French* would live with him in the usual Manner, having given them a Jealousy, and as they

#### 4 *Letters from the Embassy at Nimeguen.*

they would needs understand it, a Kind of Right to demand an *Eclaircissement* from him.

COUNT *Kinski*, when we had told him on *Thursday* Night what we guessed to be the Intention of the *French*, as to the giving, and their Expectation as to the receiving of the first Visit, appear'd sufficiently not to be well informed in our Style and Practice in the Matter of first Visits here, and himself confessed, that not knowing it, he had gone upon a Supposition, he was to notify the Mediators, and his Allies, in the Style of *incognito & par Amitié*; and when he should appear in Publick, was to notify them again, as also the Ambassadors of the Party adverse to him, in case he were first assured from the Mediators, that they would treat him in the usual Manner.

WE shall take Leave to observe to you, that, according to the best Information that we have, he did notify all his Allies on *Tuesday* Night, (being arrived that Day) as he did us, and that they have all visited him, as we did; and that he hath since returned them their Visits, as he did to us before any of them.

AND in this Conversation he was told, 1<sup>st</sup>, That there was no Prince or Court to apply to, or appear in, in this Place, and consequently those Styles of *cognito* and *incognito* not followed.

2. FROM the Practice of the three last Assemblies, in that of *Munster*, the other of *Cologne*, and this of *Nimeguen*, there was but one Visit of Ceremony or Complement between the Parties, with this Difference, that at *Munster* the Parties began with solemn Entries, and lay still without any Manner of Notification, till they were in Equipage to receive and give solemn Visits; but that here the King our Master had interposed his Offices so early, as to prevail with the Parties to make no Entries at all into this Town, and to order their first Visits with as much of Dispatch, and as little of Pomp as might be.

3. THAT the Practice had been constantly so in this Place, and that there was no Ambassador here but had receiv'd and return'd the first Visit before their Houses were in Order, and before they had set up the Equipage they have since appear'd in.

4. WE intimated to him at a Distance, that if he would please to conform himself to that Practice, he would thereby avoid a Difficulty, which we foresaw would embarrass him and the *French*, if he did not hasten his Notifications, and consequently his Visits, before the *Spanish* Ambassador did appear in Publick; for we foresaw, that, according to the Style of *Vienna*, he must give the first Respect to the *Spanish* Ambassador, (if he were out of his Figure of *incognito*) which the *French* we knew would not endure.

BUT he was positive in his Resolution, of going through this double Sort of Visits, and yet so close as not to declare the particular Time, when he hoped he might appear in Publick; whether before the *Spanish* Ambassador appear'd, or afterwards; and for the repaying of Visits, which the *French* desire to be satisfied in, his Answer was in these Words, — *Je ne manquera pas de les rendre dans la forme qui est pratiquée dans toutes les Cours de la Chrétienne & même dans le Saint Empire.*

THIS Declaration of Count *Kinski's*, we communicated to the *French* on *Friday*; it pleased them not; their Complaint was, that M. *Kinski* had first demanded an *Eclaircissement* of them, how they intended to govern themselves, and he had had it; but that this Answer upon it was so general and ambiguous, that it did require an Explication, which would be yet a further Trouble; however, M. *d'Estrades* being absent, they took further Time to consider of it. ON

ON *Saturday* the *French* Ambassadors came to desire our Offices, to stop Count *Kinski*, as of our own Heads, from returning the Visit to the *Danish* Ambassador; for if that Step were once made, (tho' *incognito*) before they, the *French*, were notified of Count *Kinski's* Arrival, there would be no Possibility left for them to receive his Notification afterwards, and consequently to visit him.

THIS gave them Occasion to declare, that what had passed between Count *Kinski* and us the Mediators (tho' they knew he had rendred us our Visit the Day before) would make no Difficulty, but that his Visits to the Allies would, unless we could draw from him a kind of a Declaration, that what had passed between him and his Allies was no more but by Way of Interview, to acquaint each other of the State of their Affairs, but that he had not given them any formal Notice of his Arrival.

2. THAT they, the *French*, hoped, in Recompence of his having passed by them in his Notifications *à l'incognito*, he would give them now so much the timelier Notice, (an Hour or so before the *Dane* and the rest of the Allies) upon Supposal that *Don Pedro Ronquillo* lay still *incognito*; by which Means they would be the first to take an Hour from him, and consequently the first to visit him; which would give them a Kind of Right to a *contre* Visit from him before any other.

ON *Saturday* in the Afternoon, we spoke with him upon these Heads, but we found him resolute in two Things:

First, HE would not forbear to revisit those Allies who had visited him, pretending those were but Visits *de l'amitié à l'incognito*, and were not of any Consequence to those second Visits he intended to make, when he should be *en Etat de paroître en public*.

IN the other Point, which was about the Time of the second Notification he intended, he was resolved to notify all the Parties at one and the same Time, as near as was possible for him; and if the Gentlemen of two Ambassadors should come at one and the same Time, to ask an Hour of him, he would send them back to their Masters, with a Desire that they would agree that Point of Priority among themselves.

IT was in vain that we represented to him the Novelty of this Way of double Visits, and that it would overthrow that which the King our Master had taken so much Pains in, to retrench all Matters of Ceremony; and that those solemn Visits would go near to set up solemn Entries, which all the Parties, upon his Majesty's Perswasion, had been pleased to decline; but he was pleased to hold to his Conclusion, that the Notifications he had made, and the Visits he had received *à l'incognito*, were in Order to his Business; and that he could not notify the *French* and *Swedes* as soon as he did the Mediators and the Allies, till he knew what Returns would be made to him; that when he should declare himself Ambassador, he intended to repeat his Notifications, and would expect Visits upon them, alledging it to be the Style of all the World.

THE *French* finding, upon our Conference with them on *Saturday* Night, that we did not give them any Hopes Count *Kinski* would forbear his Visit to the *Dane* and his other Allies, before he notified them; and that the Notification he intended them would be so timed, as that they should, in all Probability, come short of making the first Complement, and consequently take from him the first Assignment, enlarged very much into Complaints upon this Occasion.

THAT it was at the Instances of the King our Master, that the Most Christian King had ordered them his Ambassadors, to decline all solemn Entries, and consequently all solemn Visits.

THAT



## 6 *Letters from the Embassy at Nimeguen.*

THAT they, the *French*, had received the first Visits that had been made them *sur des chaises de Paille*, and that first Visits had been made them by others without Livery, and yet that they never thought or heard of any second or more solemn Visits.

THAT upon this Endeavour of Count *Kinski*, to introduce a Novelty of two Visits, they desired it might be represented to his Majesty as their Complaint, that what he had with so high Prudence directed, and was now established, would be overthrown; and this not for any Good of the Assembly, but on Purpose to bring a new *Accrochment* and Delay.

THEY desired us not to trouble ourselves to make any more Journeys in their Behalf to Count *Kinski*, but to tell him, when we should happen to see him, that they, the *French*, *cieront avec luy comme ils doivent ciere avec l'Ambassadeur de S. M. Imperiale pourveuqu'il ciere avec eux comme il doit ciere avec Les Ambassadeurs de sa. M. Très Chrétienne.*

THESE Ambassadors desired us to use these precise Words, and no more, upon any further Conversation with him about these Visits.

YESTERDAY at three, M. *Kinski* took an Hour of us again, his Business was to tell us, that he had received Orders from the Emperor, *d'agir* (that was his Word) *avec ses Alliez & de legitimer ma Person par le Extradition de la Plenipotence dont je suis muni.* — That therefore he came to desire of us, to make an Offer once more to the *French* in his Name and Behalf, and to let them know, he would give them a Notification of his Arrival, when he should be in a Condition to appear in Publick, provided they would promise to do him the Honours due to the last Comer; that is, return him his Complement, and make him the Visit at the Hour that he should assign them, letting them know withal, that he should be sure to return their Visit in the same Order he should receive it; if it were the first, his *contre-Visit* should be the first to them; and to this he desired a categorical Answer from the *French* and *Sweedes*.

THE *French* we spoke with at *five*, and when we had made this Offer, they withdrew to advise a while, before they gave us their Resolution; they asked us, whether we took the Notification that Count *Kinski* had given us, *pour bonne & valable*; and so for the Visit we gave him, and that he returned us.

WE could not choose but tell them, that we took all *pour valable*, the Notifications were, and the Visits too, in the usual Form, and that we thought no more of any Visit of Ceremony, before this Difficulty between them and him did appear, that Count *Kinski* and we had satisfied what was due, and that there remain'd no more of Ceremony to be performed.

WHEREUPON they gave us their final Resolution in these Words, and were well contented we should take them in Writing; *Après que M. le C. de Kinski a declare qu'il a déjà notifié son arrivée à plusieurs Ambassadeurs & Ministres, des quels meme il a reçu la visite, la seconde Notification qu'il pretend de faire est contraire à l'usage & abolie dans cette assemblée, du consentement de tous ceux qui sont arrivez devant luy, & par eux observée sans contredit; ainsi Messieurs les Ambassadeurs de France qui ne veulent point introduire un nouvel usage, ne peuvent pas recevoir une telle Notification, apres ce qui est passé.*

UPON this we have Reason to fear, that as M. le C. de *Kinski* hath ordered his Business, there will be no Interview between him and the *French*, and that he will go near to involve us in the same Difficulty; for

for as he is resolved to notify all Ambassadors here, the *French* excepted, over again, he will notify us likewise, and we cannot avoid it; then if we do not return the Complement, and visit him again in Ceremony, that will beget a Breach of all Commerce between him and us; and if we do, we shall concur to the introducing of a new Stile, which Stile may be of ill Consequence, and is, as we take it, contrary to his Majesty's Intention and Design all along, to retrench Matter of Ceremony as much as may be.

ANOTHER Thing that we know not well how to answer, may be objected to us, especially by the *French*; it is, that we shall hereby have shewed this Ambassador a double Respect, to that we have shewed to them or any other; and herein we most humbly beg the Favour of your Directions, we being resolved, as we stand advised, not to redouble our Visit of Ceremony; for that would be to introduce a Novelty to justify Count *Kinski's* Mistake, and yet would not help to accommodate him and the *French*; for we cannot hope that the *French* will be easy in this Matter; since it is certain, that either this Ambassador, or those that are to come from the Emperor, will do what they can, to give the Priority of Visit to the *Spanish* Ambassador.

ONE Thing we shall take leave to observe unto you, that on the Evening before Count *Kinski* return'd us our Visit, (which was on *Friday*) we entreated him very earnestly to consult with his Allies, hoping they would, as we did, advise him to make his Notification to the *French*, before he render'd us, or any else, the *Contre* Visit; whether he consulted them or not, we cannot yet tell; but sure we are, he *Contre*-visited the *Dane* as well as us, notwithstanding all our Intreaties.

ANOTHER Thing worth the noting is, that in his first Discourses, he allowed the first Respects to be due to the Mediators, preferably to all others, and said, tho' they should not happen to be so quick as others in demanding and taking an Hour for their Visit; and that others should have given their first Visits before them; yet the Party visited was bound to make the *Contre*-visit to them in the first Place, notwithstanding the General Rule.

THIS was our very Case with the *Swedese*, and they gave into this Exception to the Rule; but in his latter Conferences with us, (and we have had one with him, and so with the *French* once a Day these five last Days) he seemed to be of another Opinion; so that if we should accept of a second Notification, which he declares, shall be at one and the same Time to all Ambassadors, we shall hazard that we are now in a quiet and uninterrupted Possession of; for the Distance of Houses being considered, and the Nimbleness wherewith all Ambassadors return their Complement upon a Notification, the *Swedese*, the *Spaniard*, and the *Hollander*, will have returned the Complement before we can possibly do it.

THIS we do the rather lay before you, because that upon the Observation we made to him, (not with Reference to ourselves, but to some other the furthest distant from him) all the Answer he was pleased to make was, that he was resolved to notify all *à même temps*, but that it was not in his Power to remove Houses.

WE are sorry that we are forced to trouble you with this long Deduction, that has nothing in it but the Ceremonial Part of our Business. We can truly say, that we have not a Syllable to add in this Dispatch, concerning the real and substantial Part; for since our last, we have not heard one Word from M. *Beverning*, or from any else, touching

## 8 *Letters from the Embassy at Nimeguen.*

those two Projects of *Plenipoucoir* of the *French* and *Swedes*, [which have lain in M. *Beccerning's* Hands, ever since *Saturday* was sevennight.

ONE Thing more in the Ceremonials we shall take leave to add, that on *Friday*, a Secretary from the *Brandenburgh* Ambassadors brought us separately a long Message from his Masters.

1<sup>st</sup>, That he (the Secretary) had demanded of us an Hour for his Master's *Contre-Visits*, within a Day or two after that we had visited them.

2. THAT M. *Sennitz* had written us a Letter, to offer it both for himself and his Colleague, and that we had not answered that Letter.

3. THAT he was now come to offer it again, provided that we would receive both the Ambassadors with the same Treatment of *Excellence*, the *Tus*, and the Hand, in our House, the Emperor's Ambassador having already given it them at his House in an *incognito* Visit, that they had made him; that he would do it again, when they should give him a more solemn Visit; that the *Spanish* Ambassador would follow his Example, and that the *Dane* had done it already.

4. THAT they pressed at this Time to acquit themselves of the *Contre-Visit* to us, because they foresaw they would suddenly be engaged in Visits and *Contre-Visits* with the *Imperial* and *Spanish* Ambassadors; and if they were so before they did render us ours, it would be an *Embarrass*.

HAVING met together to give him our Answer jointly, we told him, we had been always ready, and were still so, (since we perceived Things were yet entire) to receive the *Contre-Visits*, and did offer him any Hour of that Day.

THAT for the Treatment he demanded to be assured of to M. *Blaspiel*, we had given the Ambassadors themselves an Account of what we were directed, and were at Liberty to do; and could give him no other Account, but that we had sent to acquaint the King our Master, with what those Ambassadors had then insisted upon.

WHEN he saw he could not gain his Point, he told us, he had Orders in the next Place to enquire; whether we would, as Mediators, (notwithstanding the present Difficulty) interpose our Offices in those Parts of the Negotiation here, that might concern the Elector of *Brandenburgh*.

To this we told him, his Masters might please to call to Mind what we had already done, even after the Difficulty happen'd in the Incident of M. *Oxenstiern's* Lacquey, and that they might thence conclude, we should endeavour not to be wanting in any of the Duties of our Function. This was our Answer, and we have heard no more of the Gentleman.

HERE we shall take leave to observe, that as soon as these Ambassadors shall have revisited any other, our Case, as it lay before you in our first Account of this Business, will be quite altered; therefore we humbly desire your Directions in what we are to do.

First, WHAT Satisfaction we shall expect for not paying us the *Contre-Visit* in the first Place.

2. IF his Majesty should let Things stand as they do, till the *French* and the *Swedes* do come up to this new Treatment, that the *Imperial*, *Spanish*, and *Danish* Ambassadors have given to, what Manner of Applications we, as Mediators, shall make to the *Brandenburghers*, or receive from them, in the Functions and Offices that may be requisite from us between Party and Party.

## Letters from the Embassy at Nimeguen. 9

THE Favour of your Direction in this, will be so much the greater, as we are likely to be called upon for our Offices, as soon as the Allies come to a Resolution upon the Form of the *Plenipouvoir* now in their Hands. We are, &c.

J. Berkley.  
L. Jenkins.

Nimeguen, 4th Jan. 1676-7.

Right Honourable SIR,

OUR last was of the 1<sup>st</sup> of this Month, since which we have the Favour of yours of the 26<sup>th</sup> past, which came yesterday to our Hands, to acknowledge.

WE bemoan ourselves very much that it did not reach us 48 Hours sooner, for Mr. *Hyde* (who arrived here on *Christmas-Day*) was not to be persuaded to stay any longer than *New-Years-Day*, (that he went away in the Morning) in a certain Expectation of one of his Majesty's Yachts (come to fetch him) that would be upon the Coast before he could reach to *Rotterdam*, calling by the Way at the *Hague*, as he intended.

WE were not wanting in our Earnestness to persuade him not to stir hence, till he heard of the Yacht's being upon the Coast; but he having, it seems, set down in his Letters to *London* from *Cologne*, the Stages he intended, and thinking the Yacht would be waiting for him in a very few Days, we were not able to persuade him to make any longer Stay here.

HOWEVER, as soon as we received your Letter yesterday, we sent him our joint Letter, having inclosed in it that Paragraph which relates to Mr. *Hyde*, beseeching him to make all the Hast possible to return hither, in Expectation of his Majesty's Commission, and assure himself, that not only either of our Houses, but both of them, and every Thing else that we are able to do, will be entirely at his Service; and of this we hope on *Saturday* to have such an Answer, as we may be able to send you hence on *Monday* to your Satisfaction.

As to the Mention of his Majesty's Name in the Preamble of the *Plenipouvoirs*, we have laid before you other Projects of the *French* and *Swedes*, besides that with our Letter you received of the 21<sup>st</sup> of M. *d'Olivenkranz*; and we shall expect your further Directions therein, as you are pleased to put us in Hopes.

ONLY we shall observe unto you, how nicely they refine upon that Point; for where it is said by the *French*, that this Place of *Nimeguen* is accepted by all the Parties for the Place of Conference, *par les joins à la Mediation du Roy de la Grand Bretagne*, the *Spanish* Ambassador would have it to be, *par les joins & l'interposition*; but he adds, (professing himself to be not only a most devoted Servant of his Majesties, but a perfect *Englishman*) he would have an honourable Mention of his Majesty brought into the Act obligatory, as of the common Mediator accepted of by all the Parties.

THIS with what we find from Count *Kinski's* Applications and Discourses to us, makes us believe that the Emperor looks upon himself to have concurr'd in the Acceptance of his Majesty's Mediation, as fully and perfectly as any other of the Parties whatsoever.

As for the *Brandenburghers*, we have nothing to add to our last, but that it is the Conjecture of some of the Ministers here, that the Difficulties now resting between Count *Kinski* and the *French*, (who are no Friends to their Pretensions) may have some Addition from their Discontent.

FOR the *Hamburgers* Passports, the *French* were no sooner spoken to, but they promised to write to their Court; having used the like Offices to the *Swedens*, they were pleased to send us a Letter to their King upon that Subject, as the Secretary told us, with a Desire we would transmit it to the Magistrates of *Hamburg*; and when we acquainted them (by the Means of his Majesty's Resident there) with the Contents, (which they say are very favourable to their Demand) to leave the Conveyance of the Letter to those Magistrates, hereby somewhat industriously declining to make use of our Covert, as they have upon all Occasions done, since *September* last, notwithstanding we have offer'd them that Service upon several Occasions.

THEY do pretend it not to be agreeable to the Dignity of their King, to have that Condition of using our Covert to be imposed upon him by the King of *Denmark*, and yet Sir *J. Paul* advises us, that their Pacquets are conveyed hence under M. *Beccerning's* Covert, to the *Holland* Resident at *Copenhaguen*, tho' that Resident be forced to take Advice from Sir *J. Paul*, and (for ought we know) his Covert too, to pass those Letters into *Sweden*.

As to the Nuncio's coming hither, (which is the last Paragraph in your Letter) we hear no more of it, than that *Bevilacqua* is the Man, and that M. *Crampricht*, the *Imperial* Resident at the *Hague*, has made some Overture for a Passport for him, but hath not given in any Memorial; and having had the Question put to him, concerning the Style that this Government might be induced to give the Pope, he thought that of *Serenité Papale* would be accepted.

ON *New-Year's-Day* in the Evening, *Don Pedro Ronquillo* took an Hour of me Sir *Leoline Jenkins*, (tho' he be still *incognito*) praying me to learn from the *French* Ambassadors, how the Goods and Moveables of the Marquis *les Balbays Spinola*, that were to come before that Ambassador, and not in the Train attending his Person, should be safe from being made Prize.

THE Cause of his Scruple was, he said, that Count *d'Urcell*, a Gentleman of the *Spanish Netherlands*, being at *Madrid*, and having a Passport from *France*, had sent ten or a dozen Horses before him towards *Flanders*, upon the Confidence of this Passport, which extended to his Horses too; but his Horses came no sooner within *France*, but they were seized on, and made Prize; the pleading of this Passport did not serve his Turn afterwards at *Paris*, for that it wanted the Words *Continent* and *Separement*; and therefore not only Marquis *Spinola*, but *Don Pedro*, desires such Passports as may be sufficient in such a Case, he having some Concerns of his own coming from *Antwerp* hither; this Scruple of *Don Pedro's* gave us Occasion to give in a Memorial to the *French* Ambassadors, the Copy whereof goes herewith inclosed.

FROM this he passed to a long Conference upon the Difficulties between Count *Kinski* and the *French*, which ended in this, that he would try to get Count *Kinski* to make a Declaration either by his Mouth, or M. *Beccerning's*, that the Notices he had given to his Allies upon his Arrival, and the Interview that followed, were not intended for Visits, and that he would give a fair Notification with Indifference of his Arrival to all.

ON the other Side, he thought it reasonable the Mediators would labour with the *French*, to accept of such a Notification, and to be content with the *Contre-Visit* return'd them in the same Order it should be given him; he spoke of Count *Kinski*, as a Person not employed before in any Business of State, he having gone thro' his Studies at *Louvain*, and afterwards past some time in *Italy*, where he got his Punctuality; but had never any publick Employment, before that of his Presidency in Judicature of Appeals, in *Bohemia* excepted.

ONE Thing he let fall, but would not own it for an Inducement to the *French*. It was, that he, *Don Pedro*, could not be ready to appear in Publick, till Count *Kinski* had done his Visits, which yet being considered, would excuse the Count from the Obligation of giving him the Priority.

HE was very earnest that the Mediators should go over the Notifications and Visits again. I excused it with the Reasons we had agreed upon, and gave you an Account of in our last; I cannot say he was satisfy'd with them; but much of his former Earnestness for our accepting of a second Notification, and making a second Visit, was taken off.

As to the main Business of the Treaty, that which he touch'd upon was this; he enquired whether we had his Majesty's Resolution touching the Mention of his Mediation in the *Plenipouvoirs*; he said, he long'd for it.

THAT they, the *Spaniards*, are concerned to manage the Pope very much, it being now hoped, there would be ere long a League formed between the Pope, the *Venetian*, and the Grand Duke, and other Princes of *Italy*, to preserve that Country in its Peace; what Issue this would have, he knew not; but he was extremely sensible of the ill Condition of the *Spanish* Affairs there.

THAT he for his Part has a hard Province here, the *Dutch* running too fast to a Peace, and swallowing all in Order to it. The *Imperial* Ambassador being in the other Extream, will make no Advances at all, but lays hold of every Thing to *accroche* it; so that he is forced to stop the one Side as much as he can, and to bring on the other.

THAT he for his Part believes nothing of what is said of separate Treaties going on at the *Hague* at this Time, tho' some of the Allies are extremely alarm'd: He is satisfied his Majesty intends a general Peace; and that such a Peace will be most suitable with his Majesty's Affairs.

THE same Evening, M. *d'Olivcrkrantz* repeated to us, his Resolution and his Collegues, to accept the Notification of Count *Kinski*, and to pay him the Respects consequent to it. He gave us his Reasons why he differ'd from the *French*. 1<sup>st</sup>, The *French* took notice of Reports that Count *Kinski* had notified and visited others, and received Visits of other Ambassadors, before he had notified them; and that the *Swedcs* gave no Heed to such Reports. 2<sup>dly</sup>, The *French* were tyed strictly to their Master's Orders, yet they were able to obtain them in a few Days, and consequently bring no great Hindrance upon the main Business; whereas the *Swedcs* could not hope for any Orders in a competent Time, because of the Stop upon their Letters; and therefore must yield in every Thing they can possibly, rather than hinder the main Business.

HE expressed it as a Wonder to him, that we, the Mediators, had heard nothing all this while from M. *Beccerning*, nor of the Project of

## 12 *Letters from the Embassy at Nimeguen.*

a *Plenipouvoir*, that we had ever since the 23<sup>th</sup> of the last Month put into his Hands from the *Swedes* and the *French*.

HIS Conjecture was, that they, the Allies, could not agree among themselves; that M. *Becerning* had writ to the *Hague* for Orders; and that they were (as he supposed) the longer in coming, because the Pensioner is indisposed at this Time.

HE took Occasion to discourse of the Differences between us and the *Brandenburghers*, and that our Case and theirs (the *Swedes*) was very like; for it was probable the King their Master would, he said, follow the Emperor, the *Spaniards*, and the *Dane*, in the Style they should take up; tho' they, of their own Heads, were not at Liberty to do it, their Orders being to treat the *Electoraux* as it was at *Munster*, *Osna-brug*, and other Places in the Empire: But he did extremely approve of the Temperament we were willing to admit of with the *Brandenburghers*, in being willing to negotiate the Exchange of the Elector's *Plenipouvoirs*, or any other Matter in the Treaty that concerned him: He said, the Difference in Ceremonials ought to be kept distinct from the Functions of the Mediation; and we might safely go on in those, while we expected Satisfaction or Order in the other.

WE shall take Leave to close this Dispatch with saying, that we have not one Word from M. *Becerning* or his Colleague upon the Adjustment of the *Plenipouvoirs*, that the first was so zealous in before the Holy-days. We are, &c.

*J. Berkley.*  
*L. Jenkins.*

### To the Lord Ambassador *Hyde*.

*Nimeguen, 5<sup>th</sup> Jan. 1676-7.*

MY LORD,

THIS Morning arrived here the Bearer M. *Smith*, sent Express from Court, with a Commission (as he tells us) for your Excellency, to be join'd with us in the Work of this Place; we are heartily glad of it, and shall think the Time long till we have the Happiness to see you here return'd: We have not opened, nor indeed meddled with the Commission, thinking it most proper to dispatch the Bearer back again into *Holland*, and order him to present the Commission into your Excellency's own Hand. We have done so the rather, for that in the Letter we have from Mr. Secretary *Williamson*, by the same Bearer, address'd to me the Lord *Berkley*, and to yourself in the next Place, and then to our other two Colleagues, there is not one Syllable of Direction relating to the Commission, nor indeed any Mention made of it. We take Leave to repeat here the Offers we made to your Excellency in our last, and shall be glad in this Occasion, and in all other, to approve ourselves, MY LORD, your Excellency's, &c.

*J. Berkley.*  
*L. Jenkins.*

*Nimeguen,*

*Nimeguen, 8th Jan. 1676-7.*

Right Honourable SIR,

OUR last was of the 4<sup>th</sup>, since which we have the Favour of yours of the 29<sup>th</sup> past (delivered us on *Friday* about 8 in the Morning by M. *Smith* the Express) to acknowledge.

You will have perceived by our last Letter, that he is come too late to find our Colleague Mediator in this Place, (which he left on *New-Years-Day* in the Morning) we therefore returned the Express immediately, to go and find him in *Holland*, which we hope he hath done long ere this, either at the *Hague* or *Rotterdam*.

IN the Dispatch you have favour'd us with by this Express, we find how much need we have of his Majesty's gracious Pardon, which we most humbly beg, for the Fault we have committed, in giving in the Minutes of Powers that we had drawn up, in the *French*, and not in the *Latin* Tongue: We shall be careful for the future to give in Things of this Nature in *Latin*.

WE most humbly beg Pardon likewise, for the Error we have committed, in giving in, as we have done in some Measure, to the Hopes that all the Parties here did conceive and entertain themselves with, that his Majesty might of himself think fit to forego the Mention of his Mediation in the Preamble of the Powers.

WHAT we have done in this Kind, we were brought to do by the great Confidences wherewith M. *Beverning* and *Don Pedro Ronquillo* did, in all their Conversations with us, express themselves to rely upon it, as a Thing not to be doubted of; *Don Pedro* relying upon the Force which the Precedent at *Munster* will have with his Majesty, and M. *Beverning* upon the Experience he hath of the Facility his Majesty gave in this Point, in his Mediation at *Aix-la-Chapelle*.

BESIDES, had we oppos'd ourselves directly against those Assurances the Parties framed to themselves, of his Majesty's Help in this Difficulty, we are apt to think, that some of them would have more earnestly insist'd upon having a Form of a Power, without any Mention of a Mediator at all, than they have since done, that they might have a Colour to throw that *Accroachment* upon the Mediators.

BUT as for the Offer of any Expedient that we may be thought (as our Letter of the 18<sup>th</sup> past happens to be worded) to have made, in case *France* and *Spain* should be difficult, which should first accept of the Temperament, of having neither his Majesty nor the Pope mention'd; I Sir *Leoline Jenkins* having been present with our Colleague Sir *William Temple*, at that Conference we had with the *Dutch* on the 18<sup>th</sup> past, humbly beg Leave to assure you, that however we happen'd to say in our Letter that we (not excluding M. *Beverning*) fell upon the Mention of the Expedient there deduced, yet it was what M. *Beverning* had thought on, as he then declared, and was not any Thing that we for our Parts had thought on, or purpos'd, nor have we so much as heard of that Expedient since.

As to what M. *Comtin* may have told his Majesty, of an Apptil to his Letter from the *French* Ambassadors here, that they, the *French* Ambassadors, had received from Court, wherewith to satisfy and clear all Difficulties arisen in the Point of naming his Majesty as Mediator in the Powers, and that his Majesty was expecting to have from us

what



## 14 *Letters from the Embassy at Nimeguen.*

what that was, we gave you an Account in our Dispatch of *Chrifmas-Eve*, of all that the *French* Ambassadors have faid to us upon that Subject, as alfo Transcripts of the two Sorts of Projects they had put into our Hands, to tranſmit to the Allies.

To that Account, we have this to add, that laſt Night the *Dane* and the two *Dutch* Ambassadors came to my Houſe, the Lord *Berkley's*, at an Hour they had taken; they gave us an Account of a Meeting they had had the Day before, all the Allies together, at the *Imperial* Ambassadors.

THEY began with telling us, what a great Regard the King of *Denmark* and the States reſpectively had to his Maſteſty's Mediation; but that they found the Ambassadors of the Emperor and *Spain* (tho' deſirous enough to ſhew the like Reſpect to his Maſteſty's Mediation, yet) were at a great Difficulty how to mention it, and not the Pope's, whoſe Mediation thoſe two Courts had accepted, before they did his Maſteſty's.

THAT the Allies had debated the Projects we had given in to M. *Beverning's* Hand on the 23<sup>d</sup> paſt, and the *French* and the *Swed*s had given them to us a long while, and with Warmth, and at laſt had come to a Reſolution to change the Word *Mediation*, as the *French* had couched it, into the Word *Offices*.

IN the *French* Project it was ſaid, that all the Parties had been brought to agree to the Town of *Nimeguen*, *par les ſoins & la Mediation du Roy de la Grand Bretagne*; the Allies would have it changed, and ſaid, it was agreed *par les ſoins & les Offices du Roy de la Grand Bretagne*, which is all the Alteration or Amendment they offer to the *French* Project.

THEY told us, that they (theſe three Ambassadors) had charged themſelves to deſire us to conſent and give our Approbation to this Amendment.

To this we answered (after that we had ſlept aſide and ſpoke together) 1<sup>ſt</sup>, That the *French* and the *Swed*s having ſent them, the Allies, by our Conveyance, a Project of their own, in the drawing up of which we had no Hand; and the Allies having this Amendment to offer to it, our Conſent was no proper Ingredient to it; the Concurrence of the *French* and *Swed*s to that Amendment, was now the only Requisite to render it what they deſired, that is, a common Form among the Parties.

2<sup>dly</sup>, WE deduced to them what a Train that Affair had taken, how the *French*, the *Swed*s, and the *Dutch*, finding Difficulties upon the Original Powers they had reſpectively exhibited, had jointly requested us to draw up a Form that might ſerve for all, which we had done: Then we obſerved to them, how we had been ſpoke to, to alter that Form of ours, ſo as to leave out the Mention of his Maſteſty's Mediation; but that we had excuſed ourſelves, as in a Thing not fit for us then to do, without firſt knowing his Maſteſty's Pleaſure.

SOME of the Reaſons we made Uſe of then we did now repeat, ſhewing them that we lay ſtill bound by the ſame Reaſons, till we ſhould receive his Maſteſty's Directions; for as before we did not preſume to offer a Form where his Maſteſty's Mediation was not mention'd, having found it in all the Original Powers we had yet ſeen; ſo now we could not declare any Conſent or Approbation of ours, for changing of the Word *Mediation* into *Offices*, till we knew his Maſteſty's Pleaſure.

AND whereas M. *Heugh* would have had us carry this Project to the *French*, with the Amendment in it, as if it had been made by us, we excuſed

excused ourselves, (as we had done before to the *French*) saying, that in an Instrument that was intended to serve all Parties, we were to have no Hand either in the making or mending of it, but as far forth as all the Parties should agree to employ us.

THEN M. *Beverning* finding that we could not be brought to declare any Thing of Consent or Judgment upon this Amendment, made it his Request to us, in the Name of the Allies, to use our Offices in handing the Project thus amended to the *French* and *Swedcs*.

THAT they did own this Amendment, as the General Sense and Consent of the Allies, and desired no more of us but to know from the *French*, whether they would admit of it; and if not, what other Expedient they could propose to satisfy the *Imperial* and *Spanish* Ambassadors, who, if any Mediation be mentioned, must have the Pope's likewise: Our Offices, as thus required, we thought we could not refuse them, it being, as we humbly conceive, incumbent upon us, to hand from one Party to the other, whatever Instrument, Propositions, or Expedients are brought to us.

FROM the *Plenipouvoir* which M. *Beverning* left in our Hands, with all the Blanks fill'd up according to the Style of his Matters, and the Words he would have changed with a Stroak drawn under them, as you'll find by the Copy herewith inclosed, he passed to the Act obligatory, and desired it might not be peremptory, to oblige the Ambassadors to procure Powers in the Form agreed on, for that such an Undertaking did not so well suit with the Respect due to great Princes from their Ministers; but only to use their Offices and Diligence in Order to procure them within the Time prefixt.

HE desired there might be one Clause added, (which formerly we told you the Allies were not agreed upon) it was, to oblige the Parties to enter into Matter, and treat while they were in Expectation of the Powers in Form.

WE charged ourselves with both these Papers, in Order to communicate them (the soonest possibly we can) to the *French* and the *Swedcs*; these Ambassadors having intimated to us, that they little doubted, but that the *French* and the *Swedcs* would agree to the Alterations or Amendments in them, and consequently the Treaty, as to the main Matters in it, would begin.

WE must not forget to tell you, that as these three Ambassadors did profess his Majesty's Mediation, to be the only Mediation that their Masters relied on; and that this Amendment was forced upon them by the *Imperial* and *Spanish* Ambassadors; so they would agree to a Mention of his Majesty's Mediation in those Terms of Respect, that was in Justice due to it, in the Act obligatory that should relate to this *Plenipouvoir*, desiring we would draw a Clause to that Effect.

WE did return them our humble Thanks for this Overture of their Respect to his Majesty; but excused ourselves, in that we were to do nothing of that Kind, but either by the Direction of his Majesty, or else at the Request of all the Parties.

IN this Conversation, we took an Opportunity to propose to them, and by their Favour to their Allies, that they would please to consider of the Stadt-House, or any other certain convenient Place, for general Conferences; to this M. *Beverning* answered, that the Allies agreed yet in so few Things among themselves, that they could not think of a Matter so circumstantial, as that was, before they understood one another better, in more essential ones.

## 16 *Letters from the Embassy at Nimeguen.*

IT seemed to us, that M. *Beccerning* had something of Resentment still remaining, from his Conversation yesterday with M. *Kinski*, saying, he (M. *Beccerning*) was now too old to learn; and that the other, because of the great Figure of his Master, looks upon the rest of the Allies, as bound in a Manner to range under him. Monsieur *de Haren* passed it over with this Reflexion only, that he, M. *Kinski*, was *propositi tenax*.

WE took likewise Occasion to desire the *Dutch* Ambassadors Offices (since they were already in Possession of mediating between the *Brundenburghers* and us, and to let those Ambassadors know, that we had his Majesty's express Orders to go on in the Functions of our Mediation, and to give them our Offices in whatever Part of this Negotiation they should have use of us, as if no Difficulty in Point of Ceremony (which now lies before his Majesty) lay between us and them. This the *Dutch* Ambassadors promised to do very readily, as soon as M. *Blaspiel* (who is now out of Town) was returned.

WE must not forget to give you this Account that we have in general of M. *Kinski's* Visits; that the *French* have been prevailed with, by their Allies the *Suedes*, to visit Count *Kinski*, as well as others will, if they be notified; but the Time that he will notify his Arrival is not yet certain.

ON *Thursday* they told us, they were come to this joint Resolution with the *Suedes*, and we are taken by all Parties for content with the Visit and Revisit, that have past between us and Count *Kinski*.

ON *Friday*, M. *de Haren* told us, that they (the *Dutch* Ambassadors) were very much troubled, the Business of the *Plenipouvoir* hung thus long; that they had very peremptory Orders from their Masters to adjust it, and indeed had had *une petite reprimand*, for not having done it sooner.

THAT they the *Dutch* will deal openly and fairly with their Allies, and make no Step but in their View, and with their Knowledge; yet that they can stay for them, that will be backward, no longer.

THAT the Allies do fancy to themselves, there are some secret Negotiations carried on at this Time at the *Hague*, and that our Colleague Sir *William Temple* is assisting at them; but they answer that Objection with asking the Allies, why they do not come and enter into the open Negotiations of this Place? then they would be satisfied that the States intend to make the Peace here, and no otherwhere.

THAT he saw little Hopes of compassing a Peace before this Campaign began; that his Masters would have an Army of 50000 Men in the Field, and had a Fond in View capable to answer that Expence.

HAVING acquainted the *Suedes* Ambassadors with the Concessions that the King of *Denmark* hath lately made to Sir *John Paul* in Writing, we find they are not content with him; and it being said in those Concessions, that the *Danish* Ambassadors here should have Power to give their safe Conduct to Expresses as the *Suedes* should send by Sea, whether from *Holland* to *Gottenburgh*, or from *Lubeck* to *Calmar*; we do not find that M. *Heugh* is yet commission'd to do as in those Concessions is express'd. We remain ever, &c.

*J. Berkley.*  
*L. Jenkins.*

*Postscript.*

*Postscript.*

THIS Morning we had a Conference with the *French* Ambassadors, upon the Papers and the Propositions that the *Danish* and *Dutch* Ambassadors had left with us last Night.

THEIR Reflexion upon the Change of the Word *Mediation* into *Offices* was, that it was perfectly one and the same Thing; and that *Offices* did comprehend in this Case every Thing that could be intended by the Word *Mediation*; therefore they being satisfied, in the Judgments they made upon those Words in their Language, that there was nothing of Diminution in the one more than in the other, to the Respect and Honour due to the King, they consented to the Change that was proposed.

THE next Thing they said was, that tho' they were willing to consent to this Change, because the *Danish* and *Dutch* Ambassadors did desire it, and that they had exchanged Powers with them; yet this Consent of theirs was not to be extended, or made Use of, toward the *Imperial*, *Spanish*, and *Brandenburgh* Ambassadors, who had not yet exhibited their Powers, nor entered in any Degree into this Negotiation with them.

ONLY they were contented to declare to us, that when those Ambassadors should so far enter into Negotiation with them, as to exchange their *Plenipouvoirs*, they, the *French*, will then enter into any Expedient that shall be thought reasonable; and will, if they be thereto requested, oblige themselves to procure such a Form of Powers to treat with them, as they are willing to furnish to the *Dane* and the *Dutch*, and will change the Word *Mediation* into *Offices*.

ONE Thing they declared themselves resolved in, that they would have the Act obligatory run in the same positive Terms it is now drawn up in, to oblige all Parties (not only to do their best Offices and Diligence, as M. *Beverning* offer'd it last Night, but) to procure and obtain the Powers in the Form that should be agreed within the Time prefix'd.

THE Reason they gave was, that without such an Engagement, all would be uncertain, and very much Time in Danger to be lost; and that it would be to no Purpose to have the Parties oblige themselves to treat and conclude Things in the interim, unless they did oblige their Masters (as all Plenipotentiaries ought to be empower'd to do) to do any Act of this Kind, and to furnish such Powers as shall be agreed on; they must, they said, have the Word *Alliez* added to M. *Beverning's* Form, that is, that the *Dutch* Ambassadors may treat and make a Peace, not only with the Most Christian King, but also his Allies.

IN this Conversation, they did call upon us very much to take Notice, and to bear Witness in Time and Place, to that Candour and Facility wherewith they still proceed; and prayed us to observe, that the Allies had spent above a fortnight's Time upon the Project we had put into their Hands, and yet did nothing but change the Word *Mediation* into *Offices*. The Hour of Conference assign'd us upon this Matter by the *Swedens* is so late, that we cannot hope to give you any Account of it till next Post.

*Nimeguen, 11th Jan. 1676-7.**Right Honourable SIR,*

OUR last was of the 8<sup>th</sup>, since which we have the Favour of yours of the 2<sup>d</sup> Current.

As to the knowing of his Majesty's Pleasure, upon the Point of mentioning or not mentioning his Mediation in the new Powers, we find ourselves referr'd to your next Dispatch; but we doubt not but you'll have already observed, by what the *French* and *Swedes* have done in reforming our Project, and by what the Allies have done in reforming theirs, that that Matter is taken out of our Hands, and that the Parties themselves have adjusted it as they have seen good, without staying to know his Majesty's Pleasure, nor making other Use of us, than in handing what they had projected and reformed, from the one Party to the other.

FOR the Difference between us and the *Brandenburghers*, we most humbly thank you for the Communication you have been pleased to give us of his Majesty's Reflexions, and of the Debate before him of that Point. We shall be sure to govern ourselves as you are pleased to direct, and wait his Majesty's further Pleasure.

ONE Thing we shall take Leave to observe from M. *d' Avaux*, who made it his Request to us, that we would, by the Means of the *Dutch* Ambassadors, get M. *Somnitz* to perform what he had declared himself willing to do towards the *French* Ambassadors.

M. *Somnitz* had told M. *d' Olivenkrantz*, (as M. *d' Avaux* says) that he was willing to take the Complement of the *French* Ambassadors; that they had sent to make them, upon their Notification for a Visit; and that he would go to M. *d' Estrades*, and so to the rest, and give them as it were the Re-visit.

THIS is much if he has said so, and the more, in that he hath refused (as the *Dutch* Ambassadors have told us) to come by himself, and return us the Visit that we have made him, wherein, what Pretence soever his Collegue had, we are sure he had none to complain of.

ANOTHER Thing we are yet to seek, how M. *d' Olivenkrantz* and M. *Somnitz* should come to communicate together, since he has the same Difficulty with the *Swedes*, as he hath with the *French* and us.

WE are sorry that what we have offer'd to your Consideration, upon the Notice you had taken of M. *Haren's* Discourse of an *Eventual Treaty*, hath given you so great a Trouble; we do readily confess, that there is nothing directed us by your Letter, but that we should watch that Matter well, and have a strict Eye to it.

THAT which gave us Cause to enlarge, and to mention a Protestation, was, that you was pleased to refer us to what the *Swedish* Mediators had intimated to you and me, they intended to do at *Cologn*; and as we could not find that the Precaution they resolved to use, was any other than to protest against our Proceedings with the *Dutch* there, we thought it possible his Majesty might direct something of that Kind to be done here; and upon that Supposition, we took Leave to lay before you several Things, that we did conjecture might prove to be Part of our Case here, but we did not intend to make any the least Step in a Matter of this Moment without your particular Directions; and we beg your Pardon, that we have given you so great a Trouble,  
upon

upon a Supposition that our own Anxiety, rather than your Letter, brought us to.

WE do look as narrowly as we can to the Proceedings here, as they tend to a separate Peace, and do conceive that the *Dutch* desire, in the first Place, a speedy general Peace; but if they do meet with such *Accrochments* from some of the adverse Party, or from their own Allies, as will render the General Peace impossible for the present, we suppose they will content themselves with a separate Peace, rather than continue the War; in which case, we humbly desire to know his Majesty's Pleasure, what is expected to be done here on our Part.

ON *Monday*, as soon as our Dispatch was gone, we acquainted the *Swedish* Ambassadors with the Proposal of the Allies, as the *Danish* and *Dutch* Ambassadors had represented it to us, to have the Word *Mediatione*, in the Preamble of their *Latin* Project, changed into *opéré, officiis*, or some other Word, for the Satisfaction of the *Imperialists* and *Spaniards*.

THIS Change the *Swedish* Ambassadors consented to without any Hesitation, but having read the *Plenipouvoir* as the *Dutch* Ambassadors had dressed it, according to the Stile of their Gresse, they took Exception that the Word *Socii & Confederati* was not added in that Part of it, where the *Dutch* Ambassadors have Power to treat with the King of *Sweden's* Ambassadors.

THEY took Exception likewise, that in this Form, the Epithets and the Titles usually given the King of *Sweden*, were cut short with an *& cetera*, and not set down *per Extensum*.

IN the other Writing, which was the Act obligatory, they consented to all that the Allies desired, that only excepted, of promising to do their Offices and Diligences to procure a *Plenipouvoir* in good Form, within a Time that should be prefix'd. They would have the Promise to be positive and express, to procure and obtain it, giving for their Reason, that otherwise all that should be treated and agreed on in the mean time, would be at an Uncertainty; and for the Argument of the Allies, that those Terms did not well consist with the Respect due from the Minister to the Master, they did not understand it so; but that if the Minister could oblige the Master to approve of and ratifie all that he should do (tho' of the utmost Consequence), it was no Want of Respect, to undertake he should do a Thing of so little Importance in itself, and yet of great Advantage for the gaining of Time.

OF this Answer, as also of that which we had from the *French* in the Forenoon, we gave an Account, first to the Ambassador of *Denmark*, then to the *Dutch* Ambassadors.

THE Ambassador of *Denmark* referr'd himself for his final Answer to the Resolution of the Allies, when he should meet them, to make a Report of what we had told him; but he let us see it would be a hard Matter to bring him to promise any more in the obligatory Act, than his Offices and his Diligences with the King his Master to procure a new Power.

HE used several Arguments also against the Demands of the *Swedes*, to have their Master's Name vested with all its Epithets and Titles; one was, that in his *Plenipouvoir*, the King our Master's Name was mentioned without them, there being no more said but *Mediatione Regis Magnæ Britanniae*; and he thought, that if a great King, for whom his Master had so particular a Respect, and in whose Friendship he reposed all Confidence, were treated without any Extension of

Titles; the King of *Sweden*, against whom a War was declared, would have little Pretence to expect it.

ANOTHER Argument he used was, out of the Original Passport he this Ambassador had, and shewed us from the King of *Sweden*, in that the King of *Denmark* was treated *Rex Daniae*, and no more; whereas, according to all Stiles, & *Norwegia* should have been added.

ANOTHER Reason he added, but said, it was in Confidence to us, and desired it should be manag'd accordingly; he said, there was a Treaty for the Marriage of his King's Sister with the King of *Sweden*, which he doubts not will have its Effect in Time, notwithstanding the present War; that in Pursuance of that Treaty, the King of *Denmark* should add to the rest of the King of *Sweden*'s Epithets, that of being his *Brother in Law*, which is not so congruous at this Time.

HAVING thus done with the *Dane*, we acquainted the *Dutch* Ambassadors with what is above from the *French* and *Swedes*; they allowed, as the *Dane* had done, that the *Imperial*, *Spanish*, and *Brandenburgh* Ambassadors, had no colour to desire the Change that the *Dane* and the *Dutch* had desired in the Powers, and that they had no Title to demand that their Adversaries should come to any Expedient with them, who had not yet shewed themselves upon this Place, nor exhibited their Powers, to which this Expedient is to relate; but this they thought would be easily remedied, by their putting, as they intend suddenly to do, their Powers in our Hands.

BUT in the Promises required of the Allies, to procure and obtain new Powers, and not only to do their Offices and Diligences, they saw a Difficulty, they said, which they could not hope to overcome; the Stile of the Court of *Vienna*, and this Minister's being so little acquainted with Business of this Nature, made them despair of being able to prevail with him, to promise more than barely his Offices; however, that they would try what they could do.

ON *Tuesday*, the Allies had a Meeting (as we have been told) at M. *Kinski's*, and yesterday we saw the Effect of it, at leastwise in Part; for the *Danish* Ambassador, and the two *Dutch* Ambassadors, gave us, at an Hour they had taken at my House, (the Lord *Berkley's*) their Powers in the Form they propose to themselves to get Originals in; the *Dane* gave us two Powers, both in *Latin*, the one to treat with the Ambassadors of *France*, the other with those of *Sweden*; we enclose herewith Copies of both.

YOU'll find the Word *Mediaticum Regis Magnae Britanniae*, changed into *Zelo*; M. *Heugh* gave this Reason of their preferring that Word before *Studio & Operâ*, which they had in Consideration; because that *Zelo* did not only import his Majesty's publick Piety, but also an heroic Degree of it.

BUT M. *Heugh* made a great Difficulty to have the King of *Sweden*'s Title entred *per Extensum* in his Power; he said, it was contrary to the Stile of late used in Treaties. M. *de Haren* urged his own Observation, having been present at the Treaty at *Copenhaguen* in 1660; where both the Kings being present, both contented themselves, the one with the Style of King of *Sweden*, the other of *Denmark* and *Norway*. It was so, he said, at the *Elucidation* of the Treaty of *Elbing*; and tho' the last King of *Sweden* had found Fault with the Powers, that the Ministers of the States General had brought to treat with him; and gave them the Minute of such a one he would be contented with; yet, in that Minute, his Titles were not set down *per Extensum*.

: To this, all the three Ambassadors added, that there was a known Expedient that had been made use of at *Munster*, and might be very proper on this Occasion; it was, that since each King would be sure in his Powers, that he should give his Ministers here, to set down his own Titles in the Front *per Extensum*, and the Title of his Adversary in the Text, without any Addition, but *cum Legatis Regis Danie* (for Example) or *Sueciae*; an Act of the Mediators, declaring that Titles assumed or omitted should be of no Prejudice or Consequence to either Party, would salve all. This they offer'd, and desired us to press Home with the *Suedes*.

THAT Clause in the Act obligatory, of making a positive and express Promise (not of Offices and Diligence, but) to procure the Powers within the Time prefixed, he had combated with us on *Monday* Night in very good earnest, but now, he said, he yielded, and would oblige himself absolutely, and in the Words the *French* and *Suedes* had insisted upon; so powerful, said he, had the Instances been of M. *Beverning* with him and the rest of the Allies, that he did bring him and them to do what he listed; upon which M. *Beverning* reply'd smiling, that it was with very much ado he got them to do any Thing at all.

As soon as he had done, the *Dutch* Ambassadors gave us their Powers, the one in *Latin*, which they intended for the *Suedes*; and the other in *French*, which they intended for the *French* Ambassadors.

IN the *Latin*, they had put in *Zelo* too, instead of *Mediatione*; and in the *French*, they had put in *les bons Offices du Roy de la Grand Bretagne*, instead of *la Mediation*; and whereas the *French* Ambassadors had desired that the *Dutch* Powers should run to treat with the Ambassadors of the Most Christian King, & de ses Allies, they put in that Word, but added these others, *qui sont contre nous en guerre*.

THEY agreed to oblige themselves, by a positive Promise, to procure these Powers in good Form, the Copies go herewith; and for the Name of the King of *Sweden per Extensum*, they said, it was a Difficulty that did not so much concern them as it did the *Dane*.

WHEN they came to speak in Behalf of their Allies, to wit, the *Imperial*, *Spanish*, and *Brandenburgh* Ambassadors, they allowed that the *French* have some Reason to except against their Pretensions of reforming Powers, and entering into Expedients; since they had not yet notified their being there, much less exhibited any Power to found themselves, or enter into any Matter with them. That which they promised for them was, that they would appear in publick very suddenly, and at the same Time put their Powers with Copies into the Mediators Hands; and at the same Time exhibit to them a Minute of *Plenipouvoir* in all Things agreeing with that which the *Dane* and the *Dutch* now gave in; and also an Act obligatory, to procure Powers in good Form, that should agree with that Minute; adding, that they would make their Request to the Mediators, to interpose their Offices, so as the adverse Party, the *French* and *Suedes*, would not raise any Disputes or Difficulties upon their Powers, as now they are, if they should find any Thing in them that might be in Rigour excepted against, but rather acquiesce in that they (the *Austrian* and *Brandenburgh* Ministers) give in to the same Minute, and the same Act obligatory, that their Allies do.

• THE last Thing they spoke to us of was, that the Allies desired five distinct Powers; to wit, for the Emperor, for *Spain*, for *Denmark*, for the Elector of *Brandenburgh*, and the States; and herein they desired



## 22 *Letters from the Embassy at Nimeguen.*

our Offices, to dispose the *French* and the *Swedcs*, not to go less upon any Terms than that Number.

WE were no sooner possessed of these several Papers, Reasonings, and Demands, but we carried them, at the Hours we had taken yesterday (the same Day) in the Afternoon, to the *French* and *Swedcs*; for we are aware, that unless we use our utmost Diligence, when such Things are put into our Hand, or if we should make appear any little Difficulty on our Part, the Imputation of delaying the Treaty, which these Parties do so studiously avoid, would be fasten'd (as much as is possible) upon us, and that some possibly among both Parties, would enjoy themselves very much in such an Incident.

THE *French* and *Swedcs* answer'd us, that they must speak the one with the other; and that we should have their Answer, some Time this Day, but it will be too late to bring it into this Dispatch.

THAT which we found to stick most with the *French*, were those Words the *Dutch* had put in, *& ses Alliez qui sent en guerre contre nous*; they said,

1<sup>st</sup>, THIS Addition is a Novelty, not known at *Munster* or elsewhere.

2<sup>dly</sup>, THESE Words exclude the Bishop of *Strasbourg* from coming into the Treaty.

3<sup>dly</sup>, IF any of the Allies happen to change Sides, and to take Part with *France*, then there must be a new Power; this will not serve turn in that Case.

THAT which stuck most with the *Swedcs* was, that their leaving of their King's Name *per Extensum* in the *Danish* Powers, was opposed.

BUT the *French* and *Swedcs* thought it hard to give five distinct Powers; and the rather, in that the first Thoughts of multiplying Powers arise from the Difficulty of mentioning the King and the Pope; but now, that they having all conspired to level that Rub, and to content themselves on all Sides with one and the same Form of Powers; the Reason of multiplying them ceased: But we are apt to think, the Allies will reply to this, that there was another Reason; which is, that where there are several distinct Treaties, there must be as many special Powers to bear them.

WE must not forget to acquaint you, how that the *Dutch* Ambassadors yesterday Morning gave us an Account of the Message that they had charged themselves withal, to deliver us from the *Brandenburghers*; it was, that the *Brandenburghers* thank'd us for the civil Message we had sent them; and that they did humbly acknowledge his Majesty's great Goodness in the Orders we had had, not to be wanting towards them in any Part of our Function.

THAT they hoped this Difficulty would be suddenly over; and that as soon as his Majesty should be informed of what the *Imperial*, *Spanish*, and *Danish* Ambassadors have done; We ourselves, they hoped, should have Orders to let them know the Difficulty was over; thus excusing themselves, as we humbly conceive, from making any Use of us in the mean Time. We are, &c.

### *Postscript.*

THIS Evening the *French* Ambassadors brought us their Reflexions upon the Powers that we had left last Night in their Hands; those of  
the

the *Dutch* they agreed to, these Words *Ceux qui sont contre nous en guerre* only excepted, which they will have left out by all Means, for the Reasons given you in this Day's Letter; instead of them, they are content to admit the Word *adherents*, and so it will run *avec les Ambassadeurs de sa Majesté Très-Chrétienne, & ses Alliez & adherents*.

THE *Danish* Powers they are not satisfied with, because the Preamble is the same, and not conform either to the *Latin* or *French* Project, as it is agreed by all the Allies: This they desired us to represent to the Allies, and to make our Instances anew for Passports to the Bishop of *Strasburgh*, as also to let the Allies know, that they take Part in the Dissatisfaction which the *Swedens* have, in the last Concession of the King of *Denmark* to Sir *John Paul*, in the Passage of their Letters; praying us to be earnest for a further Liberty in that Point. We expect the *Swedens* here every Moment, but we fear the Post will be gone before they leave us.

WE have just Time enough to add, that the *Swedens* insist much to have their Master's Titles *per Extensum*, not as a Matter of Necessity, but of Civility, it having been so at *Munster*, and there being nothing in their Master's Titles that is pretended to, much less disputed by any other Prince; for they say the Cession that was made of *Schoonen* and other Conquests, was absolute and perpetual; they would have the Words *una Belligerantium* into *adherentium*; and they insist peremptorily, as the *French* did, that M. *Heugh's* Powers should be the same exactly with the Model that all the Parties have accepted and conformed to. They have declared again, their Dissatisfaction with the King of *Denmark's* Concession about their Letters, and desired his Majesty's Intercession to press the King of *Denmark* for a more open Passage.

J. Berkley.  
L. Jenkins.

*Nimeguen, 15<sup>th</sup> Jan. 1676-7.*

Right Honourable SIR,

SINCE our last, which was of the 11<sup>th</sup>, we have none from you to acknowledge.

IN that Dispatch, we gave you an Account what Exception the *French* and the *Swedens* took to the *Dutch* and *Danish* Powers, as they had been minuted and given to us to hand them over.

THE same Evening we conveyed those Exceptions to the *Danish* and *Dutch* Ambassadors, together with the Reasons that had been furnish'd us to justify them: 'Tho' the *Danish* Ambassador and the *Dutch* did debate the Point by Way of Discourse, yet for a final Answer they referr'd to what should be agreed on at a common Meeting of the Allies, which was had next Day, being *Friday*.

LATE that Night Messieurs *Heugh*, *Beverning*, and *Haren*, told us by Way of Answer, they and their Allies had resolved, rather than to break upon Words, that they would no further insist that the Words *qui sont contre nous en guerre* (which the *French* had excepted against) should stand in the common Project, being content it should be said, *Pour traiter avec les Ambassadeurs du Roy Très Chrétienne, & ses Alliez*, without those Words; yet they yielded upon Condition the Word *adherents* (which the *French* desired) should be waved likewise; so

## 24 *Letters from the Embassy at Nimeguen.*

so in the *Latin* Project, the Words *una Belligerantium* to be left out, and the Word *adherentium* not to be stood upon.

IN the next Place, *M. Heugh* declared himself content to reform his *Plenipowcir*, so as it should agree Word for Word with the common Form in *Latin*, which all the Parties that intend to use *Latin* had agreed to.

ANOTHER Thing which the *Swedcs* had stood on principally, these three Ambassadors enlarged upon; it was about the Extension of Titles. The Resolution of the Allies was, that the *Swedcs* (for Instance) may have the Title of their King extended as themselves shall desire, in the Front of that *Plenipowcir* he shall give his Ambassadors, and shall be obliged, in the Body of that Power, to say no more but *ad tractandum cum Legatis Regis Danie*: The *Danish* Power to be just so, with what Extension that Court shall please to make in the Front, but in the Text there is no more to be but *ad tractandum cum Legatis Regis Suecie*; and in this Case an Act of the Mediators for *Sako*, so that what either Prince shall assume or omit shall be of no Consequence.

THE last Thing they answer'd to, was about the Passage of the *Swedish* Letters; here the *Dutch* Ambassadors took upon them to speak:

First, THAT they and the rest of the Allies did find, that they could not in Reason press their Ally the *Dane*, to enlarge the Concessions already made, for the Passage of the *Swedish* Letters, for that neither *Spain*, nor any other of the Allies, had any Advantage given them equivalent to that which the *Swedcs* did ask.

2<sup>dly</sup>, IF the going of a Courier every 15 Days from *Bruxells* to *Spain* were reckon'd on, they said, that was a particular Agreement between the General Postmasters, which they thought might be revoked at Pleasure, the Kings of *France* and *Spain* having not made it in Contemplation of the War.

3<sup>dly</sup>, AS to the Offer of a Liberty for Couriers upon the *Rhine*, and through *Switzerland* into *Spain*, they (the *Dutch*) said it was an intolerable *Detour*, and thought the Offer of the *Danish* safe Conduct to pass by Sea either from *Holland* to *Gottenburg*, or from *Lubeck* to *Calmur*, was a sufficient Answer upon that Offer.

As for Passports to the Bishop of *Strasburgh's* Ministers, the *Dutch* Ambassadors said, they thought their Masters had already furnished them; if not, it should be done with the first Convenience; when that were done, they thought there would be no Pretence to press them to intercede with the Emperor, and other their Allies, for Passports for that Prince; but that Applications should be made to the Ministers in Town.

BEING charged with this Answer from the Allies, we acquainted the *French* with it on *Saturday* in the Morning, and the *Swedcs* in the Afternoon: The *Swedcs* did return no positive Answer in the Conference we had with them, but reserved themselves to speak first with their Allies; only they were very inquisitive to know, whether the Resolution about extending of Titles, was given in the Name of all the Allies, or else of the *Danish* Ambassador only? We told them, we had understood the Discourse of Messieurs *Heugh*, *Bozerning*, and *Haren*, the Night before, to have been in the Name of all the Allies; to which they replied, that then the Difficulties would be the greater.

UPON the Account we gave to the *French* of these Resolutions, they received the News that the *Dutch* had yielded to their Demands with Joy; and for *M. Hergh*, they had no Difference with him, but about the Word *Christianissimus*, which they thought to be an Epithet

suffi-

sufficiently known to belong to their King, and consequently to be inserted into his Power.

HERE we should take Leave to observe, that tho' we had not these Resolutions imparted to us before seven on *Friday* Night, and tho' we communicated them to the *French* at the usual Hour of Audience on *Saturday* Morning; yet we have Reason to think they had been imparted to them before: For all the while that the Conference had been on *Friday* in the Afternoon at the *Dutch* Ambassadors, M. *d' Estrades* was in the House, (but at Cards with the Ladies) where he continued a long while after that the Resolution had been communicated to us; so M. *d' Avoaux* was after the Allies were broke up; which we do the rather take Leave to note, because that the *Dutch* Ambassadors, in a Conversation we had with them on *Saturday*, wherein we let them know, how their Affairs stood adjusted with the *French* as to the *Pouvoirs*, did profess, now that the Preliminaries were over, they would enter into a freer Communication with the *French* by Visits and Interviews, in Hopes, they said, by such Communications, to conquer Difficulties that would require Time, if all Things were pass'd through the Forms; and that they would take to themselves this Liberty, now they were entring into Matter, which we leave you to judge of; but we, for our Parts, comparing the Intelligence that is already in a Manner established between them, with this further Design, cannot but think it is the opening of a Door to balk the Mediators, and to come to a perfect Understanding the one with the other, to govern themselves here, where possibly little will be done, beside the salving of Appearances, according as they shall find the separate Peace to go on at *Paris*, or at the *Hague*.

YOU may please to remember, SIR, how that in our last Letter we told you of a Hint we had given the Allies, about coming to a certain Place of Publick Conferences; in this Conversation, the *Dutch* Ambassadors told us, they and their Allies had resolved to choose out one Room in the Stadthouse, and to have a Meeting of all there twice in a Week; that the World might see how unanimous they are in their Deliberations; and yet how unanimous soever they pretend to be, all the Steps that have been lately made to accommodate the Difficulties of the Powers, have been made by the great Earnestness that M. *Beverning* had used among them.

LAST Night the *Swedish* Ambassadors gave us their Resolution, having first consulted the *French*; that they acquiesce in leaving out the Word *adherentium*, as well as *una Belligerantium*. For the Extension of Titles, they resolved to do as they should be done by; and therefore desired to be informed by us, whether the Emperor, *Spaniard*, and *Brandenburgher*, give their Master the King of *Sweden* his Title *per Extensum*, or his *titres Royaux* only, that they might return them the same Measures in their Powers; yet with this Reserve, that if any King should assume any Titles that he was not used to before the War, they would not treat with him; this relating, as we humbly conceive, to some Title that the King of *Denmark* may assume upon his new Acquisitions.

THEY added, they would undertake to procure Powers, and exhibit them here, within two Months, but not to commence from the Date of the Act obligatory, (as others do charge themselves) but from the Time that their Couriers shall have free Passage into *Sweden*. They proposed a new Way for their Couriers, which they shewed us in the Map; in which Course, they say, they will not have above ten Leagues to pass

in the King of *Denmark's* Territories ; and in those ten Leagues, there will be no approaching any fortified Town of the *Danes*.

THE last Thing they told us was, that they for their Parts would be content to come up to the Number of five several Powers ; but they found the *French* (from whom they must in no case separate) resolved to furnish but four in all ; that is, to the Emperor, the King of *Spain*, *Denmark*, and to these States, but not to the *Brandenburghers*, unless the Allies would enable the Mediators to give an Act, that no more Powers should be asked from them for any Prince whatsoever, in the Name and at the Instance of the Alliance.

I Mr. *Hyde* having had Communication of all the Particulars above accounted of, from my Collegues, just as they were transacted, do take Leave to sign this Letter, tho' I have not yet assisted at any Conferences with the Parties.

'TIS true, my Collegues were inclined to advise me to enter into all the Business they went upon, without notifying my Arrival, or receiving or giving any Visit of Ceremony ; but they having founded the *French* on the one Side, and the *Dutch* on the other, in order to discover how such a Way of entering upon the Mediation would be taken, were of Opinion, (as I was upon the whole Matter) that I could not well do otherwise than pass thro' the Forms, tho' we do foresee it will hardly be without some Embarrass.

As we are writing, we have the Favour of yours of the 5<sup>th</sup> before us, and shall take all Occasions we can think seasonable, to insinuate to such of the Allies as it shall be proper to do it to, how sincere, disinterested, and zealous his Majesty is, in the Work of the General Mediation ; and that if any separate Negotiation be carried on, it is wholly without his Knowledge ; relying upon the Favour of your Directions, how we shall be able to serve his Majesty upon the Appearances that now lie before you of a separate Treaty.

THE Envoy of *Newburgh* told us this Day, that he doubted not but that the Emperor would make the like Concessions in Favour of his Master, and the Princes, as he hath made to the Elector of *Brandenburgh* : He added, that the Ministers of the Princes never did treat the *Electoraux* with *Excellencies*, not at *Munster*, (where he hath been) nor any where else, and never will do it, whatever the Ambassadors of Crowned Heads may do, unless the Ambassadors of the Princes have the like Treatment from the *Electoraux*.

WE must not forget to tell you, that on *Friday* the *Brandenburgh* Ambassadors sent a Secretary to know of us, whether we had any Passports in our Hands for his Highness the Elector Palatine, withal desiring Copies, if any such we had. We gave M. *Sonmitz* an Account, (by a Secretary of our own) we had none ; and how the *French* had declared themselves in such Cases of demanding Passports from their Master, which we mention, that you may please to take Notice of it, as the first Instance wherein those Ambassadors have made any Use of us in the Way of our Function.

THIS Morning M. d' *Avaux*, in the Name of his Collegues, gave us their Resolution touching the Number of Powers, as they had received it by yesterday's Letters from Court ; It was, that they offer'd one Power to treat with all, since that the Form that is now agreed will bear it. If one would not serve, they offer two, that is, one for each Religion ; if that would not do, they offer four, that is, for the Emperor, for *Spain*, for *Denmark*, and the States. The fifth for the Elector of *Brandenburgh* they cannot grant, because of the Consequence

quence it will induce, to issue out single Powers to treat with every other Elector, and with every Prince that is in this War. Therefore they desired us to let the Allies know, that four Powers they would give, and no more; and if they would not be content with this, that we would acquaint them the *French* with their Answer.

OF this Resolution of the *French*, as well as of that of the *Swedes* last Night, we gave an Account to the *Dutch* Ambassadors, they desiring it from us before this Day's Extraordinary went off.

THEY seemed to be apprehensive, that this denying of a special Power for the *Brandenburgers*, would break all other Measures; and said, they thought it impossible to bring their Allies to consent, that the Mediators should declare, in their Names, that they would insist for no more; they named especially the Duke of *Lorain*, that if he insist upon it, they must procure for him an equal Liberty with themselves to treat.

THIS Morning they have been at the Stadt-house with their Allies to view it; what they have resolved there, we do not yet know, but we do somewhat wonder, that they have not at leastwise made some Kind of Offer to take us along with them, to consider of Conveniencies for ourselves, and for their adverse Party. We are ever, &c.

*J. Berkley.  
L. Hyde.  
L. Jenkins.*

*Nimeguen, 18th Jan. 1676-7.*

*Right Honourable SIR,*

SINCE our last, which was of the 15th, we have the Favour of yours of the 9th, and therein your Directions for our Government with Count *Kinski*, for which we most humbly thank you.

THAT Count remain'd *incognito* till yesterday, then he notified all, the *French* Ambassadors and us excepted; he did not notify us, because of the Insinuations we had given him, that we could not depart from the Style of one single Visit, that common Usage had established in this Place: For we have let him understand, that all that we expected from him, and all that we were allowed to do towards him, had been fully satisfied in the first Interviews we had had with him. So that we hope we are well with him for our Parts, he being pleased to say, that he would leave the Mediators to their Liberty, tho' he intended a second Notification, and propos'd to himself a second Visit from us, notwithstanding what had passed between him and us, upon his Arrival.

He was once very near an Accommodation with the *French*, the *Swedes* having helped us to persuade them, that what had passed between them and Count *Kinski*, and the *Danish* Ambassador, which offended them, the *French*, was to be reputed nothing but Messages and Interviews *en ami*, and between Allies, for their common Concerns.

BUT the *Danish* Ambassador having in several Conversations since treated the Matter otherwise, and given out, that he thought the Ceremonies between him and Count *Kinski* were already over, and that the second Notification and Visit were more than needed; the *French* became extremely alarm'd at it, saying, it was now too late for them to receive the first Notification, (a fortnight after *M. Heugh's*) and to

give and receive Visits, unless they might have a Declaration in Writing from the Mediators, (such as Count *Kinski* should be privy to and allow of) that what had passed between him and the *Danish* Ambassador, was neither Notification nor Visit of Ceremony.

COUNT *Kinski* being not willing to come to their precise Words, for Fear of any Precedent, or Consequence that might be drawn from such a Declaration of the Mediators, and the *French* being resolved to get wherewithal to confute what M. *Heugh* had given out, in case it should reach, and be made an Argument against them from their Court; they stood each off stiffly upon their Terms, and so Count *Kinski* hath passed them by in those Notifications he has made to the *Dane* and *Swed*, the *Brandenburgers* and the *Hollanders*, (*Don Pedro Ronquillo* being yet *incognito*) from whom he hath received the several Visits yesterday, the *Hollanders* excepted; now there are no Hopes that the *French* and he will ever visit one the other.

As to our Difficulty with the *Brandenburgers*, it lies still as it did, only they seem to decline seeking to us in our Function somewhat industriously; for on *Monday* they imployed the *Danish* Ambassador to tell us, in what Style they pretend the *Swed*s should treat their Master in their Power.

As to the common Project, it stands now all agreed, and we having been pray'd by all the Parties, (at leastwise that appear) to add those Clauses that were desired by all to the obligatory Act, and we being concern'd not to take upon us the having drawn up the *Plenipoucoir* as now it is, we gave them in yesterday, that is, to the *French* and *Swed*s, the *Dane* and the *Dutch*, each of them Copies of the Act obligatory, as it goes herewith inclosed.

*Monday*, after the Post was gone, we acquainted the *Dutch* with the *Swed*s new Proposition about their Couriers, which being given us since in Writing by M. *d'Olicenkrantz*, goes here inclosed.

WE acquainted them also with the Temperament that the *Swed*s did judge would bring the *French* to give a special Power to treat with the Elector of *Brandenburg*; it was, that the Mediators might be enabled to give a Declaration, that they, the *French*, furnishing Powers to treat with the Elector of *Brandenburg*, should no more be importuned by the Allies to furnish special Powers to treat with the other Electors, or the Princes of *Germany* that are in this War.

THIS the *Dutch* told us, the Allies would never be brought to.

THE same Account we gave that Night to the *Dane*; and his Answer was, he had no Power to consent to the Way the *Swed*s had proposed for their Couriers; and being pressed to consider the Necessity the *Swed*s would be put to, to send an Express to get them Powers, according to the new Form, all he could promise was, to charge himself with that Pacquet only, and to send it to his Court, with a Supplication that it might be sent over with a Trumpet into *Schoonen*: But this the *Swed*s will not hearken to.

THE *Swed*s had perswaded themselves, that tho' the rest of the Allies should refuse to insert the King of *Sweden*'s Title into their Powers *per Extensum*, yet that the *Brandenburger* would not, for that their Master had given it so in the very Passports that these *Swedish* Ambassadors have.

BUT M. *Heugh* had Commission from them to tell us they could not do it: *First*, For that the *Swed*s had not return'd them the *Reciproque* in their Passports. 2. For that the other Allies not extending those Titles, they could not vary from them. 3. For that they are in

Possession of some Places of Consequence now, that make a Part of the King of Sweden's Titles, that they had not then, when they gave the Swedes these Passports.

THE *Brandenburgh* Ambassadors gave us, by M. *Heugh*, the Sight of an Original Letter of the present King of *Poland*, and two more of his two last Predecessors, King *Cassimire*, and King *Michael*; in those three Letters, these Kings had treated the Elector with *Serenitatis tue frater*, &c. and in the Supercription, with *Serenissimo Principi*, without *Celsissimo*: This last Word, which the King of *Sweden* had added to *Serenissimo*, in his Passports to the *Brandenburgh* Ambassadors, having displeased the Elector their Master.

ON *Tuesday* in the Forenoon the *French*, and in the Afternoon the *Swedish* Ambassadors, took their several Hours of us, to make their Complaints, that the *Dutch* Ambassadors and their Allies had possessed themselves of the Stadthouse, without acquainting the Mediators or them with it: That this was an absolute Breach of the Neutrality; that they took upon them in doing this, to act as Sovereigns in the Place, which they would never be able to endure; that they could not think themselves longer in any Degree of Safety here; and that their Master, if he should consult his own Dignity, must call them back from a Place, in which they are no longer in Safety; where the Allies, upon Pretence of the Interest the States General have, as Lords of this Place, *se veulent impetrer & s'impatroniser d'un lieu qui avoit esté destiné pour les Conférences publiques*: these are their Words.

THE *Dutch*, when we acquainted them with this, flighted the Thing extreamly; and said,

1<sup>st</sup>, THAT they and their Allies finding it inconvenient, because of some Difficulties among themselves, (principally brought in by Count *Kinski*) to assemble (as they had done) some time in the House of one, some time in the House of another Ally, had resolved to get them a third Place to meet in.

2. THAT they cast an Eye upon a couple of Chambers, that were near indeed to the Stadthouse, being in a *Basse-Court* adjoining to it, but were no Part of the Stadthouse, nor was at the Disposition of the Magistrates.

3. THAT this *Basse-Court* that lead to these Chambers and the Stadthouse, had different Entrances; that the Stadthouse belong'd indeed to the Town, and was at the Disposition of the Magistrates; but that these Chambers belong'd *aux Deputies de la Noblesse du quartier de Nimegue, & aux Deputies des Villes de Tiel & de Bommel*, and to no other.

4. THAT they had long since given over all Thoughts and Hopes of any General Assembly, upon the Averfion that the *French* Ambassadors had long since declared to the Mediators, of any such Publick Meeting, and that M. *d'Avaux* had very lately confirmed to M. *de Haren*, in a particular Conversation.

5. HOWEVER, that all that the Allies had yet done, had been only to view that Room; and that they, (the *Dutch* Ambassadors) upon this Alarm, would hold their Hands, and labour to get the first Meeting, that was intended to be there this *Thursday* in the Evening, to be put off to a further Day; either because they would not be at Leisure to meet there, or because the Room could not be yet furnished, or some such Colour.

THE same Evening we acquainted Messieurs *Colbert* and *d'Avaux* with this Account of the *Dutch* Ambassadors, (M. *d'Esstrades* being not well) but



## 30 *Letters from the Embassy at Nimeguen.*

but we did not find that any Thing of this would satisfy M. *Colbert* especially; for he would needs understand it a Violation of the Neutrality, and an Exercise of Sovereignty here, which ought not to be.

WE found M. *d'Avaux* much more calm; but in the same Conversation, we found by him, that the Orders of the Most Christian King were positive, that his Ambassadors should not undertake to furnish a special Power to treat with the *Brandenburgher*; which if so, all the Facilities that have been used on both Sides about the common Form of Powers, will come to nothing; for M. *Heugh* told us very plainly, that the *Brandenburghers* had express Orders not to give in their Powers to treat with *France* or *Sweden*, till *France* or *Sweden* should give in each of them a special Power to treat with them; and which added to the Difficulty, that he himself (M. *Heugh*) would not be at Liberty to treat at all, until the *Brandenburghers* were contented in this Point.

UPON which Declaration of M. *Heugh's*, M. *Beverning* observed us yesterday, that it was impossible for them, the *Dutch*, to treat, two of their principal Allies thus standing out.

YESTERDAY, I (the Lord *Berkley*) going to the *French* and the *Dane*, to deliver and leave with them Copies of the Act obligatory; and I, Sir *Leoline Jenkins*, going upon the like Errand to the *Swedes* and the *Dutch*, found each Party upon the same Theam, and in the same Temper, as the Night before, about those Rooms near the Stadt-house.

THE *French* would needs have them to be Part of the Stadthouse; and the *Dutch* did as stiffly deny it; however, the *Dutch* Ambassadors, in a Visit we made them in the Afternoon, shewed themselves sufficiently inclin'd to desist from meddling further in that Affair, and upon our Request, they went abroad presently to their Allies, to dispose them to the same Temper.

LATE last Night, *Don Pedro Ronquillo* came to my House, Sir *Leoline Jenkins*, (tho' he be still *incognito*) after he had desired me to convey him a Letter by this Post into *England*, (which he said was his Business to me) he fell into Discourse about the Stadt-house, and seemed to be very much troubled at it; but said, the Allies were resolved to desist from further meddling in it; but the Reason they would give should be no other, but that it was meerly out of Regard to the Mediators.

THIS Morning came to me, Sir *Leoline Jenkins*, an ancient Gentleman, that calls himself Councillor of the Elector of *Brandenburgh*, and accompanies the Embassy here; his Business was to tell me from M. *Somnitz*, that the *Brandenburgh* Envoy now in *England*, had in his last Letter given them less Hopes than in his former, that his Majesty would please to comply with what the *Imperial*, *Spanish*, and *Danish* Ambassadors have done here, in Favour of the second Ambassador, not differencing him from the first.

IN the Close of a long Discourse of the Rights and the Reasons of the Elector in this Point, he insinuated to me, (pretending to do it of his own Head) that tho' M. *Somnitz* was extremely sensible of the Readiness we had declared ourselves to be in, to do any Offices belonging to our Function, yet that his Orders were so precise, that he (this Gentleman) was afraid he was not at Liberty to receive us in those Applications we might perhaps think of making to him in our Function, or to have any Communication with us, till our Orders were come to treat both the Ambassadors without Distinction.

THIS

THIS we believe is done, to prevent our coming to them, upon the Overture we made them, first by the *Dutch* Ambassadors, and then by M. *Heugh*, of the Readiness his Majesty had ordered us to be in, for their Service; which they are resolved, it seems, not to accept of, unless they can withal gain their Point. This gave me Occasion to acquaint this Gentleman with the Rule his Majesty had set to himself in this Sort of Disputes; which was, not to lead or make Decisions; he conceiving it to be his Part, to hand the Arguments *pro* and *con* from the one Side to the other, and to bring all Parties, as much as lay in him, to be of the same Judgment, wherein he would find the more Difficulty with one of the Parties at least, if he should by Way of Advance declare his own.

JUST as we are closing, M. *Heugh* comes to acquaint us with two Things: The one, that the *Brandenburghers*, upon the Advice they have had this last Post from the Envoy of their Master in *England*, that his Majesty is not like to give us Direction to give the same Treatment to both the Ambassadors, and therefore that they cannot accept of our Offices in any Kind, nor enter into any Commerce with us, till they have new Orders for it; he added, that they were resolved, before this News came to them, to accept of the Offer we had made them by M. *Heugh*, and to make use of us in the Progress of the Treaty.

THE other Thing was, to let us know, that the Allies, however not justly blameable in the least for what they had done, in the taking up the Room near the Stadthouse, had resolved to have that Deference for the Mediators, as not to assemble there this Day, as they had once intended; but they did it *par un égard particulier & tres Express pour Messieurs les Mediateurs*, (those were his Words) that they might have Time to compose this Business, and not at all in Consideration of the Clamours made by the *French*. We are ever, &c.

J. Berkley.  
L. Hyde.  
L. Jenkins.

*Nimeguen, 22th Jan. 1676-77.*

Right Honourable SIR,

SINCE our last of the 18th, we have none of yours to acknowledge.

THE same Day, I Sir *William Temple* return'd hither; and in the Evening, we all met to consider of those two Difficulties then attending the Business here, whereof you received Account in our last Dispatch. The first, concerning the Allies assembling themselves in a publick Place adjoining to the Stadthouse, upon which the *French* Ambassadors made so violent Reflexions, as to interpret it a Breach of the Neutrality here: The other, concerning the Difference happen'd between the Parties upon the Number of *Plenipouvoirs*, the Allies demanding *five*, and the *French* offering only *four*, and refusing that for *Brandenburgh*.

UPON the first Point, we resolved, as the only Expedient we could think of in the Case, to take this Occasion of proposing to all the Parties, the Use of some Place for publick Conferences, and to let them know, that we did it by his Majesty's Command, and upon his Opinion, that it might conduce to the Facility and Expedition of the Business here; but at the same Time to let them know, that in Case any of the Parties make a Difficulty of consenting to this Proposition,

we

we desired that, in the mean Time, they would at least make use of some publick Place, for the particular Assemblies of the two severall Alliances; and this, to the End, not only to save much Time and Pains to the Mediators, but withal to help us, in comprehending right the Sence and Intention of the severall Parties, which it was difficult for us to do, when we received them, not only from several Persons, but at different Times and Places.

By this Expedient, we pretended, that tho' Difficulties would be made upon the Use of the general Assemblies, yet the Parties would not refuse that of particular ones, proposed to them with those Circumstances; that in this Case, the *French* would have no Exception left against the Assemblies of the Allies, since it would now be grounded upon a Proposition of the Mediators; but if any Difficulty should be made upon it, we hoped the Allies would at least defer their Assemblies in that publick Place, 'till the Thing were determin'd.

ON *Friday*, we proposed it both to the *French* and to the *Dutch*; and finding both make Difficulties about the Use of general Assemblies, we offer'd that of particular ones, and that they might be made in the same Room of the Stadthouse; the *French* and *Sweed*s to use it in the Morning, as is accustomed by them in their Meetings now at their severall Houses; and the Allies in the Afternoon, as hath been hitherto accustomed by them in all their Assemblies.

THE *French* fell in with this Expedient, and the *Dutch* also, with a little Change; for M. *Beverning* said, there would be a Difficulty in the use of the same Room, because the Allies might interpret, the *French* had the Preference by using it in the Morning; besides that, M. *Somnitz* could not possibly make Use of a Room above Stairs, as that in the Stadthouse is, by Reason of his great Age and Infirmities, whereupon we proposed to him, that the Allies should have their Assemblies in the same Room they had before used; and the *French* and *Sweed*s in such Rooms of the Stadthouse as they should find most convenient for them; and this having been since offer'd by us to the *French*, the *Sweed*s, and the *Dane*, has been perfectly consented to by them; and we hope thereby to have drawn good out of ill, by bringing the Congress into more Form, and in making our severall Conferences, both with more Expedition and Advantage to the Course of this Negotiation.

IN the Conference we had with the *Dutch* Ambassadors on *Friday*, we endeavour'd to know, whether, in Case we could dispose the *French* Ambassadors to procure Powers for the Duke of *Brandenburgh*, as well as the other *four*; they the *Dutch* would assure them, that it should not draw into Consequence, for any other Electors and Princes their Allies. Monsieur *Beverning* answer'd, they could not hinder their Allies from demanding them, but that upon the Grant of those for *Brandenburgh*, they would enter immediately into Matter, and that no Difficulties, which might afterwards happen upon the Demands of special Powers for other Allies, should hinder them the *Dutch* from going on with the Treaty, or from concluding it, if no other Difficulty remained.

THIS we proposed on *Saturday* to the *French* Ambassadors, who were not satisfied with it, but said, their Orders were positive, not to consent to the *Brandenburgh* Powers without Assurance from the Allies, that no Instances should be made for special Powers to any other Princes in the Alliance, but that all the rest should be comprehended under the Name of Allies to the Emperor, *Spain*, or the States.

THE same Evening we gave this Account to the *Dutch* Ambassadors, who still insisted upon what they had offer'd the Night before; and said, they could not undertake for their Allies, but that they believed no other Powers would be insisted on, since the Emperor was unwilling any special Powers should be demanded for the Duke of *Brandenburgh*, being desirous that all the Electors and Princes of the Empire should be comprehended as his Allies in one and the same Powers: But that they (the *Dutch*) were willing to separate him in this Point from the Emperor, by procuring him a distinct Power, which they conceived he had more Right to than any other *German* Prince, by being a Principal in the War with *Sweden*.

WE told them the *Dutch* Ambassadors, how positive we had left the *French* in this Point; upon which M. *Beverning* in some Heat said, that the *French* Ambassadors had sent him Word by a Person of Quality, that they would consent to the *Brandenburgh* Powers, in case he, M. *Beverning* alone, would give his own Word, that notwithstanding any Instances to be made hereafter for special Powers by other Allies, the States his Masters would go on with the Treaty: We said it was strange the *French* should have offer'd him more by another Person, than they would do by us the Mediators, and thereupon we doubted there might have been some Mistake in the Thing. M. *Beverning* reply'd still in Heat, that the Person was one he could rely upon, and had said it to him more than once; and since the *French* Ambassadors made now a Difficulty upon it, we might tell them so; and that they knew very well by what Person they had sent him that Message.

ON *Sunday* we gave this Account to the *French* Ambassadors, but with all the Coldness that could be, as to what concern'd the Overture M. *Beverning* pretended to have received from them by another Hand; yet we observed M. *d' Estrades* and *d' Avaux* to hold down their Heads when we mentioned it; but M. *Colbert* answered, that they had made no such Offer by any other Hands, and had only desired the *Swedish* Ambassador to make that Overture to the Mediators; and so passing it over, he came with some Circumstance to agree to the Thing, and said upon it, that all the Preliminaries being now agreed upon, they desired the Acts necessary might be ready as soon as they could, and that for their Parts they were ready to sign them to Morrow.

WE thereupon offer'd them the Act we had drawn up of *Salvo*, for the Use or Omission of any Titles in the several Powers, which they said they would communicate to Morrow with their Allies, and give us their Answer in the Afternoon.

UPON *Sunday*, before we went to the *French* Ambassadors, Count *Kinski* sent us his Powers, with a Message, that having himself made no Reflexions upon the *French* Powers, he hoped they would make none upon his; but that they should both refer themselves to the new Powers, which they were to procure in the Form agreed on.

WE communicated his Powers to the *French*, in the last mentioned Conference, who, upon reading them, found Fault with the Words *Dux Burgundiae* among the Titles, saying, it had no Pretence either of Right or Possession. They likewise excepted against the dispositive Part as absolutely defective, there being no Power to conclude a Peace, but only to treat and agree upon the Means and Terms on which the Peace may be made.

WE told them their first Exception was taken away by the Act of *also* which we had offer'd them; and for the other, since none of the parties were likely to continue the Treaty, otherwise than in virtue of

## 34 *Letters from the Embassy at Nimeguen.*

the new Powers, and these of Count *Kinski* empower'd him in the mean time to treat and agree upon the Terms of a Peace; we thought the Matter was too nice to delay the Progress of the Treaty, and here-upon we at length prevail'd with them to make no Reflexions upon Count *Kinski's* Powers, but to refer all to the new Acts and Forms agreed upon in this Case.

SINCE our last, I Mr. *Hyde* have received the Visits of all the several Ambassadors here in Town, except those of *Brandenburgh*, whom I did not notifie, upon the Intimation they had given of making no further Use of us, till the Dispute about the second Ambassador's Treatment be determin'd; and hope to return them all this Day, or to Morrow, after which I shall enter into the Conferences with the rest of my Collegues.

ON *Thursday* Night Count *Kinski* sent to notifie his Arrival to me Sir *William Temple*, upon which I made him my Visit of Ceremony next Day; taking it for a Point decided, that an Ambassador resident in any Place, tho' absent upon any Occasion, yet at his Return makes the first Visit to an Ambassador whom he finds newly arrived: I received Complements from all the other Ambassadors, who desired Hours to visit me upon my Return; but I excused it to them all, upon the Possibility of many such Starts I might be forced to make, which I thought would pass better without drawing into any Consequences of Ceremony between us.

SINCE the writing thus far, we went this Day to Count *Kinski*, to communicate the *French* Original Powers, and at the same Time to acquaint him with the Consent of the *French* Ambassadors, that no Reflexion should be made on either Side upon the present Powers, but all referr'd to the new ones: To make our Proposition concerning the general and particular Assemblies, so as to end that Matter: To give him likewise Notice of the *French* consenting to the Powers for the Duke of *Brandenburgh*.

To the last he only said, that it was a Matter he had not yet at all meddled in, and so had nothing to say upon it. Upon the 2<sup>d</sup>, he complain'd of the *French* making Noise in a Matter that had given them so little Occasion for it; which he said they would be encouraged in, if they found Protection from the Mediators. Upon the 1<sup>st</sup> he shewed more Dissatisfaction, because we had communicated his Powers to the *French* Ambassadors yesterday, before our Communication of theirs to him. We told him the Reasons of it; which were, 1<sup>st</sup>, That upon sending to him yesterday, we had not found him within; and the other much more material, which was, that he having sent us a Message at the same Time with his Powers, that he desired no Reflexions might be made on either Side, and we finding his Powers liable to an Exception in the very dispositive, thought it necessary to know first of the *French* Ambassadors, whether they were content with what Count *Kinski* had proposed. Besides, we told him, that since we knew there was no Competition between the Emperor and the Most Christian King, we had thought we were not tied to so nice Considerations of every such Circumstance, but were left at Liberty to make our Paces in such Orders, as we thought most conduced to the Progress of the Affair. He answered us in an *Italian* Proverb, that *a Thing done was best untouch'd*; and so we left him, without much Shew of being either unsatisfied in the Thing, or well with our Excuses.

FROM Count *Kinski*, we went to the *Dutch* Ambassadors, to give them the same Account of those Particulars we had communicated to Count

## Letters from the Embassy at Nimeguen. 35

Count *Kinski*; they expressed the greatest Satisfaction that could be upon the End of those three Difficulties, which they said they had not expected, and therefore had prevailed with their Allies to defer their Assembly this Day. They said, they should be ready to sign the several Acts to Morrow, and within three Days after to put in their Pretensions. We left them with the Assurance, that when we received Notice from both Sides that they were ready, the Acts should be prepared, and we should agree upon the Time of signing them. We are, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Right Honourable SIR,*

*Nimeguen, 25th Jan. 1676-7.*

IN our last (which was of the 22<sup>th</sup> past, since which we have not any of yours to acknowledge) we gave you an Account how both Alliances were like to accommodate themselves apart with Rooms for Conferences between themselves without further Delay, but not for Publick Conferences between the one Alliance and the other, which was our first Proposition, and that grounded upon his Majesty's Instructions to us.

ON *Monday* in the Afternoon, as soon as our Dispatch was over, the *Swedes* first, and then the *French*, desired we would assign them Chambers (for each of these Allies one) in the Stadthouse. We promised them all the Assistance we could give, but desired them to please themselves; telling them, we should be sure to assign them the Rooms they should make Choice of: In Order to this, they viewed the Stadthouse on *Tuesday* Morning, the *French* at nine, and the *Swedes* at eleven, we having bespoke the two Regent Burgo-Masters to prepare the several Rooms for their viewing, and to attend the Ambassadors when they should come.

THE Views were made at the Hours appointed, and the Burgo-Masters attended, but we have not yet any Account of the Resolution they may have taken together after the View, they having told us, when they desired us to assign them Chambers, they would first confer among themselves, and then desire us to assign them what we should think convenient, the Mediators being first provided for.

WE expected that our having had Conferences both with the *French* and *Swedes* yesterday, they might have discover'd to us their Thoughts upon this Subject, but they did not: Nor are we sure but that Emulation which lies deep between them, as we have Reason to believe, may have intervened upon this Occasion.

THE *Dutch* and their Allies having foreborn to meet on *Thursday* and *Monday* last, (which were the Days they had agreed) in those Rooms we told you of in our former, adjoining near the Stadthouse, met there yesterday in the Afternoon, to take as it were Possession of them, in virtue of our Proposition and Assignment; they having foreborn to their great Inconvenience, they said, to assemble there upon *Thursday* and *Monday* last, which were the Days they had first set to themselves, to the End they might not be thought to pretend to continue their first Possession, and that they might give us more Time, if need were, to adjust that whole Matter.

## 36 *Letters from the Embassy at Nimeguen.*

IN our former Letter, we told you likewise, how that the Number of the *Plenipouvoirs* was now agreed to be *five* special ones, the *French* contenting themselves with what the *Dutch* had told us, of their Resolution not to break off the Course of the Negotiation, tho' some of their Allies, that are not yet come upon the Place, (as *Lorain*, *Newburgh*, and *Lunenburgh*) should be refused special Powers, such as the five Allies now present have to treat upon.

THE obligatory Act and the *Salvo*, that we were desired to give in, are agreed, for ought hitherto appears, in the Form we gave them in, (the Copies of them go herewith inclosed) but the Titles in the Powers are not yet clear'd.

FOR the *Imperial* Ambassador offering to treat the Most Christian King with the Title of *Rex Franciæ*, he would add in the Minute of the Power in a Parenthesis, these Words, [with his other Titles, according to the Style of the Chancery of *Vienna*] and the like to *Sweden*.

THE *French* and *Swedes*, on the other Side, say, such a Reference will have too much of Uncertainty in it, and offer to take the very Treatment that was in the Emperor's *Plenipouvoirs* at *Munster*; but this Style of *Munster* Count *Kinski* does not acquiesce in, upon Supposal that there is by Agreement some Alteration made in the Style of *Vienna* towards *France*, since that Peace was made; yet that Alteration he does not pretend to know, and that is the Reason he would insert those general Words, and leave the Chancery to put in lieu of them, *Serenissimo & fratri*, &c.

THE *Dane* and the *Swede* make a Difficulty about the Language; for the *Dane* will not give his Power in *Latin*, unless the *French* do so to; if the *French* will needs give their Power in *French*, he will give his in *Danish*.

To this the *French* do answer, 1. That this is new and unusual. 2. That the Communication between the Kings of *France* and *Denmark* have been otherwise, the Most Christian Kings writing to the Kings of *Denmark* in *French*, and the Kings of *Denmark* writing in *Latin* to the Courts of *France*. 3. They offer this Matter to be regulated by Precedents, and will be content that the *Plenipouvoir* be in *Danish*, if in any two of the three last Treaties between *France* and *Denmark*, the Powers have been other than in *French* or in *Latin*.

THE *Swedes* also pretend, that the *Spanish* Powers should be in *Latin*, because the King of *Spain* writes to their King in that Language; but *Don Pedro Ronquillo* expressed himself in a particular Conversation, that his Master's Power must be in *Spanish*; and if the *Swedes* must needs have theirs in *Swedish*, he will not break with them.

NOR is it a small Difficulty between the *French* and the *Brandenburghers*; for tho' those will give the Most Christian King his Titles in *Latin*, yet they demand that *France* shall give their Master the Stile of *Serenissime Electeur de Brandenburgh*, *Duc de Prusse*; which the *French* say they cannot do, *Serenissime* being a Word foreign to their Stile and Language, and Duke of *Prussia* being a Title they are not acquainted with; however, they offer to give the same Titles as their Master hath given that Elector in his Powers, for any two of the three last Treaties, that have been made between him and *France*.

ANOTHER Thing that offends the *French* and *Swedes* very much is, that the Allies have asked no less than three Months Time to bring in these new Powers, whereas the *Swedes*, who are the furthest off, are willing to charge themselves to bring them in within two Months:

They.

They add, that the Ratification of the Peace at *Aix la Chapelle*, was to be procured from *Madrid* in 28 Days; but that allowing three Months, it would be near the Middle of *May* before the Parties would be in a Condition to conclude a Peace.

WE spent the greatest Part of the Day yesterday, in endeavouring to reconcile these Niceties; but the Parties answering separately, and most commonly with a Reserve to their Allies, it will be very hard to reconcile them, unless they do put into our Hands the rude Draughts of the Powers, as each Party mean to stand by, and procure them; that so we may see what is wanting of the Reciproque, and what will make it up; or else assemble both Alliances in their several Apartments in and near the Stadthouse, so as we may go between them, and put an End to this Business one Way or other before they part.

THE *Brandenburgers* and *Don Pedro Ronquillo* have not yet produced their Original Powers, thereby to enable us to exchange them with the Parties, which must be done before they can come into the Expedient (as they promised to do) of using the same common Form with the rest; but the main Difficulty that the *Brandenburgers* have, (for ought we perceive) seems to be, that they would not make Use of our Mediation in this Exchange.

COUNT *Kinski* has indeed communicated to us his Powers, (which how defective they are, you will quickly see by the Copy that goes herewith inclosed) and consequently judge what need there was of our Offices, to dispose the *French* into the Temperament of not raising Disputes upon them, but rather expect new ones in the common Form. Yet he demurs going through with his Part, in taking Communication of theirs; for on *Monday* Night we carried him the *French* Powers in their Originals, with Copies to leave with him, attested under our Hands; he examined the Copies himself, tho' ourselves being present did bear Witness (as it was under our Hands) that we had duly compared them: He viewed the Seals likewise very narrowly, and in one of the Copies there happening a Word or two to be mistaken by the Writer, and for that Reason to have been blotted out, and the right Words interlined, he desired us to get another Copy, written without any such Blemish; and so excused himself from taking either that Copy (which was of *M. d' Estrades* Substitution), or the other Copy of *M. de Vitry*, *Colbert*, and *d' Avaux* Powers, which had no Errors in it; because, he said, the consigning of those two Copies into his Hands, must be done by one individual Act, those two Powers being but one in Effect.

YET these Copies were not, as we thought, of that great Moment, since the Powers themselves, whereof they were Copies, were agreed of all Hands to be laid aside; which we take Leave to observe, that you may please to take Notice of the rigid Exactness of this Ambassador; we not knowing how far it may carry him upon the Offence he has taken, that the *French* had had a Communication of his Powers, before he had had it of theirs, as we told you in our last; and that we perceived by the Discourses of his Allies, we are not to think ourselves wholly got off this Difficulty. We are ever, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*



A son Excellence M. le Count de Kinski,  
Ambassadeur Extraordinaire & Plenipotentiaire pour sa Majesté  
Imperiale, aux Traités de Paix à Nimegue.

à Nimegue ce <sup>26 Jan.</sup><sub>5 Febr.</sub> 1676-7.

MONSIEUR,

COMME l'affaire des Plenipouvoirs de toutes les Parties, nous paroît sur le point d'Etre ajusté, nous avons trouvé à propos de faire la Communication de nôtres, & voulu la Commencer par vôtre Excellence, comme Ambassadeur & Plenipotentiaire de sa Majesté Imperiale, & pour cela avons ordonné à nos Secretaires de l'en faire voir, & en laisser des Copies authentiques entre ses mains. Et comme nous avons feu que V. E. a trouvé à redire à cause que nous avons faits sur la Communication de ses Pouvoirs à M. les Ambassadeurs de France, nous nous trouvons obligés d'assurer V. E. que nous n'avons la moindre intention de manquer au respect dû à son Caractère ne de porter le moindre prejudice au Rang de son Maître; mais qu'au contraire que ce qui a été fait, a été dans la Seule vûe de Pouvoir en même temps satisfaire à la proposition que V. E. nous avoit faite faire par la même personne & en même temps qu'elle nous a Envoyé ses Pouvoirs, en obviant aux Reflexions que nous avions bien prévues, mais que nous avons aussi prevenües par les offices, que nous avons faits sur le Temperament proposé par V. E. Au reste, MONSIEUR, ce sera avec joye que nous Embrasserons les occasions pour faire voir l'Estimé & le Respect avec lequel. Nous sommes, MONSIEUR, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

Nimeguen, 29<sup>th</sup> Jan. 1676-7.

Right Honourable SIR,

ON Thursday Afternoon, upon the Closure of our last, the French Ambassadors came unto us, and put into our Hands the Acts obligatory, together with the Form of new Powers for the Emperor, the King of Denmark, the Elector of Brandenburg, and the States, all sign'd by them the French Ambassadors. They likewise left with us the Act of Saleo upon the Use or Omission of Titles, to which they agreed without any Change: They told us, they were content we should communicate these Papers to the Allies, and let Count Kinski know, that they had left the Blanks for their Master's Title in the obligatory Act, to be fill'd up according to the Forms usual between the Emperor and the King their Master; which were, that if he inserted the Emperor's Titles at large, they would do the same; if he used the Stile of *sacra sua Cesarea Majestas*, they would use *sacra sua Regia Majestas Christianissima*; and whereas in the dispositive they named the Emperor with the Stile of *notre tres-cher & tres-ami frere l'Empereur des Romains*, they expected Count Kinski should, in the same Part of his dispositive, name the King their Master with the Stile of *Serenissimus ac Potentissimus Princeps Dominus Ludovicus XIV. Galliarum & Navarrae*

*Navarre Rex Christianissimus, Frater & Consanguineus noster charissimus*; according to what was used in the last Treaty of 1671, between the Emperor and *France*; an Extract whereof they left in our Hands.

IN the Instruments for the King of *Denmark*, they had left the same Blanks for their Master's Stile, as they had done in that for the Emperor, and upon the same Reasons in the obligatory Act, but treated the King of *Denmark* with *notre tres cher & amé frere le Roy de Denmark*, in the Dispositive; in lieu whereof, they expected from *Denmark* the same Titles for their Master, as are given in the *Danish* Passports to them the *French* Ambassadors.

As to the Language, they insisted, that tho' theirs was in *French*, yet those of *Denmark* ought to be in *Latin*, since this had ever been the Use between the two Crowns; and that they were confident, the *Danish* Ambassador proposed that which the King his Master would never have done, in the Use of the *Danish* Language upon this Occasion: However, if he could produce an Example of that having been practis'd between the two Crowns at any Time, they were content he should now use the *Danish* Language, or the *Hebrew*, if he pleased.

IN their Instruments for the States General, they said, there was no Difficulty, and they supposed there could be none with the Elector of *Brandenburgh*, having given him the Stile of *tres cher & tres amé frere*.

THE same Evening, the *Dutch* Ambassadors came likewise to us, and told us, that for the Expedition of this Affair, they had proposed to their Allies, that there should be a Meeting of the two several Alliances in the several Rooms design'd for them, where the Mediators, by going between them, might soon adjust all the Differences which should occur upon the Instruments to be sign'd; but that the *Brandenburgh* Ambassadors had declared, that their Orders would not suffer them to intervene at any Meeting with us, till we had allowed them the Treatment they pretended to be due to their second Ambassador as well as their first; and thereupon the Allies agreed to put into our Hands, the Copies of the several Instruments they intended to sign; desiring us to consider them all, and by comparing them with those of the *French* and *Swedes*, to find out where any Differences were in them; and to endeavour to adjust them between the Parties, and not to communicate these Draughts of the Allies, till we should be possessed of those likewise from the *French* and *Swedes*.

THEY told us they had brought Instruments from *Don Pedro Renquillo* and the *Brandenburgh* Ambassadors, as well as from the rest of the Allies, tho' they knew there would be some Difficulty upon them, in Regard no Exchange had been yet made of their Powers, because *Don Pedro* had not yet appeared in publick; and the *Brandenburgh* Ambassadors were hindered from treating, not only with the *French* and *Swedes*, but with us the Mediators too, upon the Disputes concerning their second Ambassador; that however they the *Dutch* had brought both *Don Pedro's* and the *Brandenburgher's* Original Powers with them, to shew them to us the Mediators, and hoped, that upon our seeing them, and finding those Persons sufficiently authorized from their Master, we might think of some Expedient in that Matter. That they supposed, it would not be very difficult in what concerned *Don Pedro*, and that if he were willing to exchange his Powers, he might do it by our Hands, (since private Visits had passed between us) tho' he should still resolve to continue for some Time *incognito* here. But for what concerned the *Brandenburgh* Ambassadors, they were more in Pain,

Pain, and desired us, if it were possible, to find out some Temperament in the Case; hereupon they made us a long Deduction of the Discourses and Arguments used by the said Ambassadors to their Allies upon this Matter; wherein we observed nothing new, that concerned Matter of Fact; but some Things sharper than we had Reason to expect. As, in the first Place, M. *Beverning* told us, that those Ambassadors had said, *que sa Majesté leur avoit fait un tort & injure que leur Maître ne pouvoit pas souffrir ne admettre.*

IN the next Place, that his Majesty refusing the Treatment they pretended, had changed the Stile he had used towards their Master at his own Court in the Year 1660, and had now chosen rather to agree with *France* and *Sweden* in this Point, who were their Enemies, than with the Emperor, *Spain* and *Denmark*, which look'd like a Partiality in his Mediation; to this M. *Beverning* added, that he found some of the Allies so closely tyed with the Duke of *Brandenburgh*, that they had declared that they could not go on with the Treaty, but in Conjunction with him: He did not name them, but said, his Masters were not of the Number; however, he made it an Argument, to press us upon finding out some Expedient in that Matter.

WE answer'd them, that as to the Instruments they put in our Hands, we should not fail to use all our Diligence in comparing them with those of the other Side, and endeavouring to adjust all Differences between them; that for what concerned *Don Pedro de Ronquillo*, if he resolved to make an Exchange of his Powers, without first passing the Forms of publick Notifications and Visits, we apprehended no great Difficulty in it, since Powers only constituted an Ambassador, who might, if he saw Reason for it, both treat and conclude without entering into the Forms of any solemn Visits.

THAT for what concern'd the *Brandenburgher's* Ambassadors, since there was a Dispute between his Majesty and their Master, upon a Case which the King had taken to be clear in the Fact, as to what had passed both at *Munster*, *Noremberg*, and *Frankfort*; and wherein his Majesty had received Information, not only from the Testimonies of the *French* and *Swedish* Ministers personally present at those Assemblies, but likewise of the Ministers of several *German* Princes, now Allies to the Duke of *Brandenburgh*; we conceived it somewhat insolent in the *Brandenburgh* Ambassadors, to make themselves Judges, where they were but Parties; and while the Thing was in Dispute, to declare his Majesty had done them an Injury they could not suffer; which were Expressions for a Prince, that rather intended to quarrel with his Majesty, than to use his Mediation; that it was of the same Strain in them, to use such an Argument as they did concerning his Majesty's Partiality in this Matter. Whereas his Majesty having first declared the Treatment he intended to the *Brandenburgh* Ambassadors, and which he thought conformable to the Practice of other Crown'd Heads in the forementioned Assemblies: If his Majesty should now change it, upon the Example of Princes among their Allies, who might be induced to it by Interest of their Alliance with the Duke of *Brandenburgh*, we appeal'd to the *Dutch* Ambassadors, whether this would not look more like Partiality in his Majesty, than to continue his own Style, until the other Crown'd Heads were all agreed in this Matter.

THAT for an Expedient in the Case, being tyed up by Orders, we could think of none, besides the Use of that Permission his Majesty had already given us, notwithstanding these Disputes, to decline no Offices of the Mediation, even towards the *Brandenburgh* Ambassadors.

dors themselves, so that in Case of the Resolution to exchange their Powers, we should make no Difficulty of going to perform that Office at their House, without any Reflexion of what had hitherto pass'd or been omitted between us. That for the rest, we should not fail to represent what had now pass'd to Court, the Consideration whereof, and of the Consequences they intimated to us from other of their Allies, we must leave wholly to his Majesty.

THE *Dutch* Ambassadors seemed themselves satisfied with what we had offer'd, of performing all the Offices of the Mediation, notwithstanding these Disputes, and with our Promise of representing the whole to Court, and M. *Beverning* disavow'd these Words of *tort & injure*, as well as what touched the Partiality of his Majesty's Mediation; saying, he was willing they should be taken rather to have proceeded from his own ill Talent of expressing himself, than as Expressions used by the *Brandenburgh* Ambassadors, since his Design in this Conversation was rather to seek out some Expedient, than to sharpen the Dispute between us. He said further, that the *Brandenburgh* Ambassadors would put their Case upon what had passed in the Treaty of *Munster*; but he said at last, the chief Stress of his Arguments were upon his Majesty's own Practice in the Year 1660; and said, the Emperor and *Spain* had therein followed his Majesty's Example.

WE reply'd, we were confident his Majesty would give the same Treatment to the *Brandenburgh* Ambassadors, which should be proved to have been given them by the Ambassadors of the Crown'd Heads at the Treaty of *Munster*. As to what they argued from his Majesty's own Practice in 1660, it was a Thing we knew nothing of, either from our own Remembrance, or from any of the King's Ministers in Employment at that Time; tho' we confessed, we had met with it often in common Reports, and in Allegations of the Parties upon this Occasion; that we should represent it all to his Majesty, and observe the Orders we received upon it.

AFTER this, they shewed us both the *Spanish* and *Brandenburgh* Powers; upon the last we found nothing to remark, but in the first, we observed the Style only of *Plenipotentiary* to be given *Don Pedro*, without that of *Ambassador*, and that he had used the same Style in his Draught of the new Powers, which the *Dutch* seemed not before to have reflected on. We made them sensible, how great an Embarrass this would Occasion in the Course of this Assembly, upon the Difference of Treatment which we supposed *Don Pedro* would expect, and other Ambassadors would think fit to give, upon this Stile in his Powers; and that both we the Mediators, and they the *Dutch*, and other Ambassadors of their Allies, might be put upon Difficulties in this Matter; and therefore we were of Opinion, neither for him to appear yet in publick, nor to offer the Exchange of his Powers; but since the Word *Plenipotentiary* gave him, as we conceived, sufficient Power for any Acts of the Treaty, tho' perhaps not equal Pretension of Rank with the Stile of Ambassador, we promised our Endeavours to dispose the *French* and *Swedes* to interchange these Instruments for procuring new Powers with the *Spanish* and *Brandenburgh* Ministers, as well as the other Allies, upon our Assurance of having seen both their Powers, and found their Persons sufficiently authorized by them.

ON Friday Afternoon, the *Swedish* Ambassadors came to us, and put their Instruments likewise into our Hands; that is, those for the Emperor, the *Dane*, the *Dutch*, and the *Brandenburghers*; laying, the others for *Spain* were ready, but that they had not thought fit to

dispatch them, in Regard no Exchange had been yet made of any Powers between them: They likewise gave us another Act, declaring against the Impossibility they should be left in, of procuring new Powers within the Space of two Months, (which seems now to be agreed on all Sides) if they were not allowed the Liberty of dispatching Couriers to their Court, upon this and other Occasions, necessary in the Course of this Negotiation.

THE same Evening the *Dutch* Ambassadors came likewise to us, and told us, that being sensible of the Difficulties we had the Night before represented to them, concerning the Stile of *Don Pedro de Ronquillo*, they had prevailed with him to exchange it, and to add that of Ambassador in the Form of his new Powers, tho' he had maintained the present Stile to be the same with what the Crown of *Spain* had used at the Treaty at *Munster*, and upon which the same Treatment had been given them, as to Ambassadors.

M. *Becerning* took Occasion at the same Time to say, that for the Difference of Language between *France* and *Denmark*, he knew the *French* might alledge the Examples of former Treaties, but the *Dane* referr'd himself to any Treaty between the Crowns when they were in War; which made a Difference in Stile from what was usual in Time of Friendship between them; he said besides, that Customs of this Kind often changed in twenty or thirty Years Time; as for Example, that all Ambassadors of *England*, *Sweden*, and *Denmark*, coming to the States General, had, till of late Years, made their first Propositions in *Latin* or *French*, whereas they now did it in their own Languages; and that he himself remembred, when none of the *Northern* Crowns pretended any Competition with the three great Crowns of *Europe*, (naming his Majesty, *France*, and *Spain*) and that these *Northern* Ministers made formerly no Difficulty of signing after the others; whereas the Use was grown of late, that no King yielded to another.

WE had no Answer to this Discourse, which we supposed was intended to make Way for the *Danish* Ambassador's Pretence of using his own Language in his Powers, but only told M. *Becerning*, we were glad he had prevailed with *Don Pedro* to use the Stile of *Ambassador* in his Draught of new Powers, and hoped he would dispose him likewise to remain still *incognito*, till we could resolve what Treatment to give him upon his Stile of *Plenipotentiary*. In the mean time, we desire his Majesty's positive Directions, what we shall do in that case, if *Don Pedro* should produce himself before new Powers come; and the rather in this case, because we are not at Liberty of observing our general Order, to advise with the *French* and *Swedish* Ambassadors upon Points of Ceremony; since we should thereby discover to them a Secret, which was communicated to us by M. *Becerning*, with the Condition of keeping it so, till *Don Pedro* should resolve whether he would procure his Powers or no.

ON *Saturday*, upon Perusal of the several Instruments left in our Hands by all the Parties, the greatest Difficulties we could foresee likely to arise, were, *first*, Upon Count *Kinski's* referring himself in all Matters of Title, to the Stile of his Chancery, which will leave an Uncertainty in the new Powers. The *next*, upon the *Dane's* seeming very resolute to use his own Language, where the *French* use theirs. And the *last* was, the Difficulty of the *Swedes* to procure their new Powers within the limited Time, in case they have no free Passage for their Couriers.

UPON these Points, we have yesterday and this Morning conferr'd with the *Imperial* and *French*, *Danish* and *Dutch* Ministers, as we shall this Evening with the *Swedes*.

WE find the first Point like to be accommodated, by each Party leaving a Blank to be filled up with the Titles of his adverse Party, according to the Stile of the respective Chanceries, and each Party being left at Liberty to use such Stile as they think fit for their own Masters.

FOR the last, we apprehend more Difficulty, since the *Dane* protests it is not in his Power to give a Passport so much as for one Courier, unless he goes by Sea from *Amsterdam* to *Gottenburgh*, or at least from *Lubeck* to *Calmar*, but offers to charge himself with the Conveyance of the *Swedish* Pacquet upon this Occasion.

THE *Swedes* have, on the other Side, hitherto expressed themselves not satisfied with any of those Passages, nor with the Conveyance offer'd them either by the *Dane* or the *Dutch*, or even of us the Mediators; thinking it not for the Dignity of their Master, upon this Occasion, to use any Couriers or Conveyances besides their own. However, in this we may possibly see some Day how to pass it over one Way or other. But for what lies between the *French* and the *Dane*, upon the Language to be used between them, the Difficulty seems to us invincible; the *French* will give their Powers in *French*, and no other Language, nor with any annex'd Translation; they ground it upon the constant Practice between the two Crowns, and offer to change it however, if one Example can be given to the contrary, of their treating otherwise than in *French* with *Denmark*, or the *Dane* otherwise than in *Latin* with them, and alledge the Example of the Emperor's making no Difficulty in this Kind.

THE *Dane* says, he cannot determine what the Practice has been, but many Uses of this Kind change with Time; that it is one Thing what is used between Princes in Peace, and another in War; that the Constitution of their Crown is altered of late Years, being render'd successive; that he expects a Parity, let it be either by using each their own Language, with or without annex'd Translations; or else a third Language, be it what it will; and at last, that he is bound up by such positive Orders in this Point, as not to be able to fall into any other Temper.

UPON this the *French* have this Morning declared themselves as positive on the other Side, and with some Heat, that they came not here to introduce any Novelties, or to suffer them, much less to receive new Laws from the Ambassadors of *Denmark*: That he does not found himself upon any one Example, whereas they do it upon all that have passed: That they will not enter upon the Matter of his pretended Parity between their Crowns, but will keep close to what has been the constant Practice; and if *Denmark* will delay the Treaty upon this Point, or the Allies upon this Occasion, the King their Master is as much at Leisure as they, and will be content to let the War go on.

UPON all this it will be necessary to let his Majesty know, what we observe in the general upon the Play of this whole Game: Count *Kinski* seems to lay out industriously for all Points that can fall in to occasion any Delay in the Treaty; the *Dane* and the *Brandenburgh* seem to be influenced by him in this Conduct; and so all agree in being Punctilious, not only with the Parties, but a good deal with us the Mediators (tho' all is now grown easie again between Count *Kinski*

#### 44 *Letters from the Embassy at Nimeguen.*

and us); on the other Side, the *Dutch* are extreemly pressing upon the Progress of the Treaty, and seem bent upon the Peace; and M. *Beverning* told us, that the Pensioner had writ him such a Letter upon it the other Day, asking him what they did here, since nothing advanced; that he, M. *Beverning*, had answer'd him, that if the Pensioner thought they did nothing here, he, for his Part, would go Home to his own House.

UPON this Subject we must likewise remark, that yesterday, in Conference upon these Instruments, M. *Beverning* desired, that where we found any of the Parties agreed, as the *French* and *Dutch*, or *Swedes* and *Dutch*, we would make Exchange of the Instruments between them, and leave the others to their Disputes: The same Evening M. *Kinski*, on the contrary, desired us, that tho' some of the Parties might agree, yet that we would make no Exchange between them, till all the rest were agreed too; since the Allies could not proceed, but in Conjunction one with the other. Nay, he went so far, as to speak of it as a Thing which he thought we ought not to do.

AMONG these Contradictions, and the consequent Paces we apprehend on each Side from them, we beg his Majesty's Reflexions and Instructions, and in the mean time, when M. *Beverning* presses us again upon these Points, we shall let him know what Count *Kinski* has said to us on the other, and desire them to take their Measures together, what they would have us do in it. All we apprehend is, that the more the other Allies hold off, the more the *Dutch* will press on the Treaty; and that in pursuing their Instances to separate Paces, to be made where they agree with the *French* or *Swedes*, and their Allies do not, if we refuse to assist between them, they will use other Hands, or need none, by falling into Communications with the Parties themselves.

ABOUT two Days ago M. *Beverning* told us, it had been moved in their Assembly, that they should desire to see our *Plenipouvoirs*; and he intimated to us, that it might be better not to put them upon the Demand of it, but to communicate them of ourselves. We did so, and sent our Secretaries to shew to them the Originals, and leave authentick Copies with the *Imperial*, *Danish*, and *Dutch* Ambassadors.

THIS Morning we acquainted the *French* Ambassadors with what passed upon this Occasion, and how ready we should be, upon the least Intimation, to communicate them likewise to any of the other Parties; but they, instead of seeming to desire it, turn'd it another Way, and said, it had never been done nor required of any of the Mediators at the Treaty of *Munster*.

WE are to acknowledge the Favour of yours of the 19<sup>th</sup>, and shall not fail to make the Use you therein prescribe us, of what you there say of his Majesty's Opinion upon the *French* Ambassadors Pre-  
tence of Preference to other Crowns, in case they happen hereafter to advance any such Thing: But for the present, there is no more Talk of that Matter, nor any Appearance of Visits likely to pass between Count *Kinski* and the *French* Ambassadors. We remain always, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

Nimeguen,



*Nimeguen, 1<sup>st</sup> Feb. 1676-7.*

*Right Honourable Sir,*

OUR last was of the 29<sup>th</sup> past, since which we have none from you to acknowledge.

OUR Dispatch was no sooner gone that Day, but Count *Kinski* came to us in the Name of the *Brandenburgh* Ambassadors, who being not satisfied, it seems, with the Offices of Mediation that the *Dutch* Ambassadors had performed (as themselves pleased often to express it) between them and us, had now made Use of Count *Kinski*, as more a Friend (for so we conceive him) to their present Pretensions, and consequently more zealously concern'd than the *Dutch* Ambassadors, who have a Competition with the *Brandenburghers*, to gain the Point of an equal Treatment to both Ambassadors from us, which the Emperor had by a late special Concession granted to the Elector of *Brandenburgh*.

He began with telling us, that he was come with a special Commission from the *Brandenburgh* Ambassadors, and gave both of them the Title of *Excellencies*, with more of Affectation than is usual in Conversation, when Ambassadors that are absent are spoken of.

He entered *first* into the Reasons of their Case, saying, that Representatives were never divided in any other Place than that of the Empire; he instanced in the Ambassadors of *Venice*, and of the States; but he acknowledged withal, that within the Empire, the Emperor's Ambassadors did treat the Ambassadors of Electors with a Difference between the first and the second.

2. THAT the Treatment of Electoral Ambassadors at *Munster*, had been according to the Stile we pretend to keep to; that other crowned Heads affecting to imitate the Emperor, may have done it at *Munster*, and in the subsequent Assemblies of *Neuremberg* and *Frankfort*; whether the Practice between Ambassadors and the *Electoraux* had been such, he was not able certainly to determine: This, he said, he was sure of, that the Stile of the Emperor's Ambassadors was, to treat the *Electoraux* with a Treatment differencing the first from the second.

3. THAT the Emperor having in *November* last enlarged his Concessions, and the Ambassadors of *Spain* and *Denmark* having followed him, he hoped the King our Master would join with these three Crowned Heads, which make a Majority, as long as his Majesty does not declare himself, rather than with the present Enemies of the *Brandenburghers*, who will be sure to dispute every Thing with the Elector, that is capable of being brought into Controversy.

4. THAT he hoped his Majesty would be the rather inclin'd to join with this Majority, in that he hath already many Years since clear'd this Point in his own Court in Favour of this Elector, by treating his two Ambassadors without any Distinction; which Favour of his Majesty had been look'd upon, he said, as very much leading both to the Emperor, and to the Crowned Heads that followed him, in the Enlargement they are now entered upon.

5. THAT the *Brandenburgh* Ambassadors were so tied up to their Orders, that they could not pay us the *contre-Visits*, nor enter into any Commerce with us, unless they might be first assured of an equal Treatment; however, that in Hopes of a just Representation from us to his Majesty, of the Equity of their Pretensions, they declared by him Count *Kinski*, they were willing to accept of the Offices of our Media-



## 46 *Letters from the Embassy at Nimeguen.*

Mediation by a third Hand, and to ask us for them to, when they should have need of them; and this they would do for the Space of three Weeks or a Month only, in Hopes that by that Time we may have Directions from his Majesty more favourable to them, and that the Elector himself may be in this Neighbourhood within that Time, to whom Recourse, he said, may be had for further Directions, in case we have not an Answer that would accommodate all in the mean while.

THIS is the Substance of what he said upon diverse *Reprizes*; and it is very remarkable, that he yielded plainly and fully, that the *Brandenburghers* have no Ground for their Pretensions in the Practice of *Munster*, the *Imperial* Ambassadors having lived, as he acknowledged, with those of the Elector, according to the same Stile we pretend to do; and that if Ambassadors of other Crowned Heads lived so with them to, for in that Matter of Fact, he said, he had nothing certain to affirm or deny, they did it according to the Pattern the Emperor had given them; so that tho' the *Brandenburghers* in their Discourses to us, and the *Dutch* Ambassadors in theirs, as often as they spoke for them, have laid a great Stress upon the Practice at *Munster*, at leastwise upon the Negative, that the unequal Treatment had not been used there, Count *Kinski* relinquished that Ground wholly, and reduced their Pretensions to the Instructions of the Emperor, dated in *November* last, to his Ambassadors here, and to the Concurrence of *Spain* and *Denmark* with him in that Point, and especially to the Favour that had been shewed this Elector many Years since, in his Ambassadors, by the Treatment they received from his Majesty himself.

THE Answer we made to all this, consisted in shewing him, 1<sup>st</sup>, What Train this Affair had taken, since the first Notification that the *Brandenburgh* Ambassadors had made us.

2. WHAT Facility his Majesty had given to the performing of our Function as Mediators towards them, ordering us to do it, as if there had been no such Difficulty depending.

3. How his Majesty, in the Instructions he had given us, had laid to himself as a Rule, "to follow elder Precedents in this Assembly, rather than to make new ones.

4. THAT it would be a Satisfaction to his Majesty to find, from the Account that he M. *Kinski* gave of the Practice at *Munster*, he had not been so ill informed, as the *Brandenburghers* had surmised he was.

5. THAT his Majesty, as Mediator, thought he had Right to take his own Time, to declare his Judgment in a Point thus controverted, and that all Insinuations, as if his Majesty had favoured the Opinion or Practice of the *French* and *Swedes*, do not do him Justice, in Regard his Orders to us were given before any Thing was known of their Sense or Intentions, and were grounded upon no other, but the Informations his Majesty had had of the elder Precedents.

THAT which we have to observe unto you upon the whole is this; Count *Kinski* managed this Commission with much Earnestness; he changed indeed the State of the Case, as to the Account he gave of the Practice at *Munster*; he endeavour'd to establish a different Stile and Practice within the Empire and out of it, and would needs insinuate, that these Honours to the Electors, had their Rise, first and last, from the Example of the Emperor; and that he hoped other Princes would change as he had done.

BUT that in which we are most concern'd is, that this Commerce the *Brandenburghers* are willing to have with us by a third Hand, is to

to last but three Weeks, or a Month at furthest; when that is expir'd, they will expect his Majesty's final Resolution, and 'tis probable, that the Elector will be about that Time come to *Cleves*, which will render his Majesty's Directions more necessary for our Government.

ON *Tuesday* in the Evening, the *Dutch* Ambassadors brought us the Minutes of their several Powers, to treat with the *French* and *Swedcs*, ready sign'd; as also the Act obligatory relating to them. They desired our Offices in collating them with the several Projects, and in shewing them to the *French* and the *Swedcs*, and in leaving Copies with each; as also, when they were done, in procuring for them Copies of the like Minutes from the *French* and *Swedcs*, together with a Sight of the Originals that were to lie in our Hands.

WHEN they had thus opened the Business, they put the Papers into my Hands, the Lord *Berkley*, and we, foreseeing they intended to make a separate Step in this Matter, upon the Difficulties still remaining between the Allies, and the *French* and *Swedcs*, desired them they would help us to get the Powers of the rest of their Allies adjusted, that we might do the Offices, and make the Exchange they demanded for themselves, between all the Parties present, at one and the same Time.

WE acquainted them with the Difficulty we apprehended to be, in bringing M. *Heugh* to exchange with the *French*, he being positive not to give his Power in *Latin*, but in *Danish*, if the *French* Ambassadors will not give theirs in *Latin*, but in *French*.

WE told them further, that Count *Kinski* had, when we were with him, to shew him the Minutes he was concern'd in; and to acquaint him, the Things wherein his Minutes differ'd from those of his adverse Party (the *French* and *Swedcs*) had forewarn'd us, that we should not take upon us to exchange those Powers, where there was no Difference remaining, as between the *French*, *Swedcs*, and *Dutch*, there was none, as we told him, until the Difficulties between the *Dane* and the *French*, and so between all the other Parties, were wholly taken away, and their Powers perfectly adjusted; he giving for a Reason, that we having received the Minutes of all the Allies at one and the same Time, and from the same Hands, (the *Dutch* Ambassadors) in Order to adjust them, and to make the Exchange; it was our *devoir* to make that Exchange, when all the Powers were adjusted, and not before.

To this the *Dutch* Ambassadors reply'd, they had done their utmost with the *Danish* Ambassador, and would have been glad to have brought him to an *accommodement* with the *French*; but that since they could not, they must not suffer the whole Negotiation to stick upon such a Nicety as this is.

THEIR Masters will have them go on, if the *Dane* will needs *faire la guerre pour sa langue il la pourra faire*, (those were M. *Becerning's* Words) but that their Masters are concern'd to let the World see, they have done what lay in them, to stop the present Effusion of Christian Blood, & *qu'il n' à pas tenu à eux que la Paix ne soit faite*.

As for Count *Kinski*, they said, 'twas true, that he and the other Allies had deliver'd them their Minutes on *Thursday* last, to be put into our Hands, but they did not charge themselves with those Minutes upon any such Condition, as not to exchange any, unless all were adjusted. They knew too well, how hardly some of the Allies would be brought to any final Adjustment; and here a second Time they desired our Offi-

## 48 *Letters from the Embassy at Nimeguen.*

ces, telling us, their Request was so reasonable, that they hoped we could not deny them.

HEREUPON we laid before them again, the Case with the *Dane* and M. *Kinski*, representing to them how desirable it was, that all the Allies would go Hand in Hand, in finishing the Preliminaries, and how useful their Offices would be to second those we had already made towards M. *Heugh*, as also to bring M. *Kinski* to a right Understanding of the Terms and Conditions upon which the Minutes of the Allies had been put into our Hands.

HERE they answer'd us plainly, they would neither speak to M. *Heugh* nor M. *Kinski*; they expected we should do the proper Offices now demanded of us, between them, the *French*, and *Swedese*, and when our Offices were done, they might possibly talk to them afterwards; but they would not do it before, they being resolved to give their Masters an Account by this Day's Post, that they had deposited their Minutes in our Hands on *Tuesday* Night, and had desired us to communicate them to the *French* and *Swedese*, and also to procure for them the Communication of theirs in Exchange.

HERE M. *Beverning* redoubled his former Earnestness; requiring us to do our Part, and telling us in Answer to what we had press'd, for getting all the Allies into the same Readiness, before we should do this Office, that his Majesty's Mediation was not a Mediation between one Alliance and the other, but between each single Party, and his Adversary; that his Majesty's Mediation had been so proposed, that is, singly and separately to each Party, and that their Masters having so accepted it, might hope to reap the Benefit of it, tho' others should not be ready for it, or not desirous to partake of it at the same Time.

IT was easy to perceive what all this tended to; we therefore repeated once more our Instances, that they would, if not bring over M. *Heugh*, and satisfy Count *Kinski*, at leastwise that they would endeavour it, before they press'd us further to pass our Offices between them and the *French* and *Swedese*.

WE offer'd them new Arguments towards M. *Heugh*, as that the Treaty was begun between him and the *French*, in the *Latin* Tongue on his Part, the *Denmark* Passports to the *French* Ambassadors being *Latin*, and the *Plenipouvoir* to treat with them being in that Language too, and exchange'd with the *French*, one for *France*, without any Exception taken to their Language.

FOR Count *Kinski*, we told him, we thought it was reasonable for them to speak with him, since he and they only knew (and we not at all) upon what Terms and Conditions they (the *Dutch* Ambassadors) had received the Minutes of all the Allies, to deposit them in our Hands, adding withal, that they might have these Conferences within the Compass of one Day with both these Parties, and that we should apply ourselves likewise on our Parts, to gain and to satisfy them.

M. *Beverning* held firm to his Conclusion, and repeated the third Time the same Instances and Demands, that we should do our Offices, and amongst other Things, he let fall these Words, that if we did not do it, *il faut trouver d'autres voyes pour le faire.*

IN the Close of this Conversation, (which was longer than Ordinary) and upon our assuring them, we would examine their Minutes, in Order to find whether they were fully agreed with the *French* and *Swedese*, M. *Van Haren* proved softer than M. *Beverning*, and was content

to speak with M. *Heugh*, and *Don Pedro Ronquillo*, in Order to get him to satisfy M. *Kinski*.

IN this Conversation several Things fell from them, which we take Leave to lay before you, and to submit to the Judgment you may please to make, of the Way that the *Dutch* are now in, for Measures separate from their Allies.

ONE Thing was, they told us plainly, that tho' the Allies do expect and pretend, that all Propositions and Demands should be managed jointly by the whole Alliance, yet their Masters the States do expect, their Ambassadors should be left to themselves, and so *chaqu'un à démêler ses propres affaires*.

ANOTHER Thing was, that the States are not bound by any Treaty to go Hand in Hand in these Steps with their Allies; they are bound to no more than to procure their Allies a Faculty to send their Ministers hither, and to enter into the Treaty as well as they, only they are not to conclude till their Allies have Satisfaction; but the Judgment and Measures of that Satisfaction, the States, as their Ambassadors have upon other Occasions often told us, do reserve wholly to themselves.

ANOTHER Thing was, that it is very visible their Allies have several Views, and that they join the one to the other, whenever there is any Colour of *Accroachment* given to any single Party; that they, the *Dutch* themselves, and they alone, have made all the Advances that have been hitherto made; and that in a Step such as this is, their Allies may be brought to follow them, but they will never join Hand in Hand with them. They further let us know, they are already weary of their assembling near the Stadthouse, and that they hope for no Fruit from it, unless the *French* and *Swedes* assemble to on their Side; and consequently, that there be an Opportunity given to the Mediators, to go between the one adverse Party and the other.

As we had (on *Tuesday* Night) told the *Dutch* Ambassadors we would, yesterday Morning we spoke with M. *Heugh*; we found him unalterable for the Parity, and that he left it with much Indifference to the World to judge, whether his Master had Reason to insist upon it or not; as for the Arguments drawn from former Usages and Customs, he was no further moved with them, than to say, it was Time for them in *Denmark* to begin and to establish Usages that might do them right, if they had been hitherto negligent in it; that tho' his Master was not so great a King in Extent of Territories or Revenue, yet in his own Dominions he was more absolute than the King of *France*, or any other King in *Europe*; that in *Denmark* there was nothing but *la volonté du Roy*.

THIS being compared with what fell from M. *Colbert* yesterday in the Evening in particular Conversations, we do take the *French* and the *Dane* to be irreconcilable upon this Point.

As we spoke with the *Danish* Ambassador, so we spoke with Count *Kinski* yesterday in the Forenoon, and as far as we are able to judge, the Matter of Titles between him and the *French*, and also the *Swedes*, will be agreed, by referring them *bonâ fide* to be extended according to the present Stile of the several Chanceries; he repeated much of what had passed between us on *Monday* Night about the *Brandenburgh* Pretensions.

ONE Thing he seemed sensible of in this last Conversation, it was, that it could not be denied but his Majesty had a just Concern, to consider well of the Treatment that should be pretended to by the

## 50 *Letters from the Embassy at Nimeguen.*

*Electoraux*, in Regard of the Precedents and Consequences that would concern the Princes of *Germany*, who do all pretend to the same Treatment that is given to the Ambassadors of Electors. But he did insinuate plainly to us, that the Emperor would look upon it as a Mark of his Majesty's *Amitie* to him, if he should be pleased to give the same Treatment as the Emperor had done to the *Electoraux*.

IN this Conversation he did avow frankly, that he had desired us not to make those Steps which the *French* expected we should make in exchanging their Powers, and took upon him to make it good in the next Assembly of the Allies, where he would also endeavour, he said, to bring the *Danish* Ambassador to Reason about the *Danish* Language.

LATE last Night *Don Pedro Ronquillo* call'd upon us, Sir *William Temp'e* and Sir *Leoline Jenkins*; he told us, he had newly spoke with the *Danish* Ambassador, about the consigning of the Powers into our Hands, and that he desired no more but two Days Time to resolve in the Point of the *Danish* Language. *Don Pedro* told us, he would go strait from us to the *Dutch* Ambassadors, in Order to dispose them to give him and the *Dane* that little Respite, assuring us, that afterwards, whether the *Dane* would do it or no, (and so for Count *Kinski*, whom he intended to solicit to join with them) he, *Don Pedro*, would do it without further Delay, and would give in his Propositions as soon as the *Dutch* give in theirs.

IN the last Conference we had with the *French*, we did, as we had been requested by the Duke of *Newburgh's* Minister here, pass our Offices with them, so far as to desire them to write to the Intendant of *Maeſtricht*, that the Dutchy of *Fuliers* may not be treated with more than ordinary Rigour, in their Contributions for this next Year, and that those Subjects may be taxed upon an equal Foot with the Dutchy of *Cleves*, since both those Dutchies are equal in their *Quota*, in the *Matricula* of the Empire.

THE Ambassadors excused themselves, as they had done once before upon the like Motion, saying, the Intendant has his Orders from Court, and that nothing they could write to him would be able to prevail for any Ease to those People, only they did not discourage us, if the Motion were carried on any other Way to their Court; for they thought a Word from his Majesty to M. *Courtin*, would effect all that could be reasonably desired in this Business.

THIS Minister does complain very much, and says, that the *French* have pillaged one Village, and burnt another, in Order to strike a Terror into the People that are upon Composition; but the Duke his Master has no Recourse or Hopes but what he lays in his Majesty's Protection.

WE must not forget to tell you, that Count *Kinski* made a Question, whether *Don Pedro Ronquillo* might not, when the Powers should be exchanged, appear in Publick. We told him, we were afraid there would be Difficulties about his Rank and Treatment; hereupon Count *Kinski* took upon him to maintain, that a Plenipotentiary in a General Assembly had always the Treatment of an Ambassador; he instanced in that of *Munster*, where a Minister of the Emperor, who was known only to be *Commissarius*, and no more, was treated as Ambassador by the Duke de *Longueville*. And I, Sir *William Temple*, do remember, that M. *Chiningberg* hath sometime told me at the *Hague*, that while he himself assisted for the King of *Denmark* at the Treaty of *Breda*, he had been treated by the Ambassadors there as an Ambassador, tho' his

his Title and Commission was *Plenipotentiary*, and no more; but of this we suppose Mr. Secretary *Coventry* can give particular Informations.

THE *Dutch* Ambassadors having on *Tuesday* Night left their Minutes for the *French* and *Swedes* in our Hands, we having compared them with the Original Projects, carried them back, together with the *French* and *Swedes* Originals, this Morning: They compared these Originals with their own, and finding them to agree in all Things, they resolved (which was the only Question we had to put to them), that the Acts obligatory between them should bear Date on *Sunday* next, unless upon Concert with *Don Pedro Ronquillo*, they should agree upon another Day. They told us, it was much to be wished all the Parties might be brought to give in and sign theirs by *Sunday* too; but whether all the Parties be agreed or not by that Time, we think we cannot refuse to do the Offices incumbent upon us, of exchanging and taking into our Charge those Minutes between such as shall be agreed.

UPON these Steps that the *Dutch* Ambassadors have made towards the *French* and *Swedes*, and upon the Likelihood of such others as may be hereafter made between them of the like Nature, we have discoursed among ourselves, and considered what we were to do in such separate Paces, and having laid together all that at any Time hath in several Letters by yourself been written to us here, upon Questions represented to you from hence, as fit (as it happens) to this present Purpose, as if they had been framed upon this Occasion, we find ourselves in a great Degree left to ourselves without Instructions, and no where forbid to be assisting in these Offices of handing such Instruments; but, on the contrary, in one from you of the 15<sup>th</sup> of *September*, wherein we are referr'd upon these Cases to his Majesty's future Pleasure, you are pleased to add these Words, that — "We should forbear till we hear further of his Majesty's Mind in the Point, from saying any Thing for or against that Kind and Way of transacting. We were all of us of Opinion, that we ought to make this Step between such of the Parties as should be agreed, especially since it appear'd by their Proceedings, that they were otherwise resolved to make it without us, and by that Means the whole Matter between them would be taken out of our Hands, if we should not assist in these Paces.

THIS Step being only in a Preliminary, we hope you will have received Notice of it Time enough, before we are put upon another, to let us know his Majesty's Mind more particularly in this Case, to the End we may be able with more Certainty to govern ourselves hereafter in all Incidents of this Nature. We remain, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 5<sup>th</sup> Feb. 1676-7.*

Right Honourable SIR,

OUR last was of the 1<sup>st</sup> Instant, which gave you an Account of what Difficulties then remain'd concerning the Projects of new Powers, which came the next Day to be so near adjusted, that the Parties agreed upon *Sunday* the 4<sup>th</sup> Current for the Day of signing them, and from which the 60 Days should begin, wherein they obliged themselves to procure new Powers.

THERE remain'd only the Difficulty rais'd by the *Danish* Ambassador, about the using his own Language in his Instrument for *France*; wherein, he said, he had positive Orders; and the *French* Ambassadors would not admit of the Expedient, to have a Clause insert'd in the Act of *Salvo*, that the Use of no Language, as well as Titles, should draw into Consequence; upon which some of the Allies had undertaken, that the *Danish* Ambassador should be induced to sign the present Project in *Latin*, according to former Practices.

WHATEVER was to become of this Dispute between them, Count *Kinski* and *Don Pedro de Ronquillo* had however resolv'd, as well as the *Dutch*, to exchange their Projects on *Sunday*; but upon *Saturday* about Noon, we received the Favour of one from you of the 23<sup>d</sup> past, with his Majesty's Reflexions upon our having handed the new Projects between the Parties, after they had left out the Word of *Mediation*; and likewise his Majesty's Instructions, what we should immediately do, for retrieving that Fault.

WE resolv'd, upon Consultation together, to go that very Afternoon to all the several Ambassadors here in Town, except those of *Brandenburgh*, with whom we have yet no Communication, and to acquaint them with his Majesty's Thoughts upon it, in the Manner we had together digested upon Paper, and which we send you here inclos'd: We began with the *Dutch* Ambassador, with a Design not only of engaging his Consent, but his Offices likewise with the rest of his Allies; we easily obtain'd from M. *Beverning* both the one and the other; but going from him to Count *Kinski*, he told us, he was much surpriz'd at the Advice we gave him of his Majesty's Dissatisfaction, and Desire in this Matter, especially at this Time, since it was not now *Res integra*, in Regard a Convention had already pass'd of the present Project among all the Parties, and thereupon he could not give any Answer of his own, without first consulting the rest of his Allies, and knowing likewise the Resolution of his adverse Parties upon the Matter.

FROM Count *Kinski* we went to the *French*, the *Swedes*, and the *Dane*, and found them all not only very easy in the Thing, but also full of Expressions, how desirous their Masters were to give all the Honour that could be to his Majesty's Mediation, in this or any other Point, wherein it should happen to be concern'd.

FROM them we went to *Don Pedro de Ronquillo*, who told us, he had notice of the Thing from Letters of his own; as likewise, that his Majesty laid it particularly upon him, which he seem'd to be much affected at; but upon the whole, the Answer he gave us agreed so much with Count *Kinski's* to us, that we believ'd they had been beforehand concert'd between them. We told him upon it, that we could give him already the Light he desired, by assuring him of the Consent not only of his own Allies, (except Count *Kinski*) but likewise of his adverse Parties, so as we conceived no Difficulties now to remain, unless it were in the Count and him; he reply'd, that it was however a Thing he could not give his Answer in, without first consulting his Allies.

AFTER this we went again to M. *Beverning*, to desire him that he would speak with the *Brandenburgh* Ambassadors upon the Point, rather than leave it to Count *Kinski*, whom we had not found very easy in the Thing, tho' otherwise he had taken upon him of late, the Part of transacting between us and them, whatever was necessary in the Course of our Business here; M. *Beverning* took upon him this Office

very



very willingly, and having at the same Time known from us, what had passed in the several Conversations with the Ministers here, he desired us, that since Count *Kinski* had deferr'd his Answer till he knew the Opinion of the other Parties, we would take the Pains to go to him once more, and acquaint him with all their Consents, which we did the same Evening, tho' something late. He gave us Thanks for this Communication, and said, that he could not however give us any Answer, before he had spoken with all his Allies in their Assembly next Day; but at the same Time, made us great Expressions of his Master's entire Confidence in his Majesty's Mediation; and that if any Difficulty should remain in this Matter, it would proceed from other Respects, and not from any Want of that, which was due to his Majesty's Honour or Satisfaction in this Point.

ON *Sunday* in the Afternoon, the *Swedish* Ambassadors came to us, and their Business seem'd to be no other, but to desire us, that since they and the *French* had consented to the Mention of his Majesty's Mediation, and they had no Reason to doubt the same would be done by the greatest Part of the Allies, we would make the Exchange of Powers between such Parties as agreed to it, in Case any Difficulty were made by the others.

THE same Evening, after the Assembly of the Allies was ended, *M. Beverning* came first to us, and afterwards Count *Kinski*, and acquainted us, in few and plain Words, that the Ministers of the Allies had, upon Consultation together, resolv'd unanimously to satisfy his Majesty in what he had propos'd to them, concerning the Mention of his *Mediation*. They assur'd us thereupon, that they would cause the Instruments immediately to be transcribed in that Form, so as they might be sign'd this Day. Count *Kinski* desired us earnestly, at the same Time, to find out some Expedient in the Difficulty about the *Danish* Language, as likewise to persuade the *Swedes* to leave out the Word *Celissimus* in the *Brandenburgh* Titles.

WE have since received the Favour of yours of the 30<sup>th</sup> past; with Orders how to proceed in the Matter still depending between us and the *Brandenburgh* Ambassadors, which we shall not fail to observe; and in our next Conversation give Count *Kinski* notice of our Orders therein, who at present manages their Concern in the Course of this *Mediation*. We remain ever, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 8<sup>th</sup> Feb. 1676-7.*

*Right Honourable SIR,*

IN our last, which was of the 5<sup>th</sup>, (since which we have not any from you to acknowledge) we acquainted you, how all the Parties here were come to a Resolution to satisfy his Majesty in what we had propos'd to them on *Saturday*, concerning the express Mention of his Majesty's Mediation.

MOST of the Time since hath been spent in Executing that Resolution, the several Parties writing over their Instruments again, with the Word *Mediation* in the Preamble of the several Powers; which, all Things else being in a Manner adjust'd, they have been preparing to



## 54 *Letters from the Embassy at Nimeguen.*

to put into our Hands, it being intended that all the *Acts obligatory* should bear date as on *Sunday* last the  $\frac{7}{11}$ <sup>th</sup> of *February*.

ON *Monday*, we had a Conference with the *French* Ambassadors, about the Powers of *Don Pedro Ronquillo*; M. *Beverning* having procured us a Sight of them in their Originals the Night before, we were able, having perused them, to satisfy the *French*, as the *Dutch* Ambassadors had desired us to do, that his Powers were in good Form, and such as might be treated upon very validly; but we found the *French* were not otherwise to be satisfied, than with the Sight of those Powers, or else with a Declaration from us, touching the Character of *Don Pedro*, whether he was an Ambassador, or else a Plenipotentiary, and no more. This, they said, it very much concern'd them to be very well inform'd in, against he should appear in publick, least they should give into that false Step, of treating one that was but *Plenipotentiary*, with the Rank and Stile of an Ambassador. This they said they could not do, the Case having been judged at *Munster*, that a Plenipotentiary has no Rank; and they did yesterday declare themselves yet more expressly, that their Precaution must be the greater, because *Don Pedro* seems desirous to avoid showing his Powers; they must have, they said, if not a Sight of his Original Powers, at least a Copy attested by the Mediators.

IN this Conversation, they let us see also, how unmoveable they were in their Resolution of not treating with the *Dane* upon his Power in the *Danish* Tongue, speaking of his Pretension as a pure Novelty, and Encroachment upon that Possession they are in, of using the *French* Tongue towards that Crown, and of having the *Latin* used towards them, the Intercourse in Treaties and Letters having been always so, and not so much as one single Instance to be shewed, of using the *Danish* Tongue towards *France*.

YESTERDAY the *Imperial*, *French*, *Swedish*, and *Dutch* Instruments having been put into our Hands, the Exchange was made between those several Parties, by communicating of the Originals of one adverse Party to the other, and leaving Copies with each attested under our Hands. Only Count *Kinski* finding a material Exception against the *Act obligatory* of the *Swedes*, would go no further than to make his Exchange with the *French*; his Exception was to their Undertaking to procure new Powers within the Compass of 60 Days, but not saying withal, when those Days shall begin to run; whereas all other Parties do say, they are to be reckon'd from the Date of the *Act obligatory*.

'Tis true the *Swedes*, together with their two Instruments, gave another separate Act, or rather a Kind of *Protestation*, (the Copy whereof goes along) whereby they give it for a Reason, why they do not charge themselves to procure new Powers within 60 Days from the Date of their Act, because they have not a free Passage for their Letters; adding, that their meaning is, the 60 Days shall be computed from that Time that the Freedom requisite to Ambassadors to communicate with their Masters, shall be allowed them, and not before; however, they are content to treat in the mean while.

THIS Act of theirs Count *Kinski* would not receive, nor yet their Instruments, saying, there being no Term fixed for the 60 Days to commence, it is the same Thing as if there were no such Term, nor Obligation enter'd into at all; for that when the first Powers of the other Parties shall be expired, (as he takes it for granted they must be at the End of these 60 Days) the *Swedes* Powers will be still in Being; and when

when the Parties shall have treated and agreed, it will be in the Power of the *Swedes*, by not bringing in their new Powers, to keep off the Conclusion.

ANOTHER Observation Count *Kinski* made, that it being said in this Protestation, that the Dispatch the *Swedes* are to make, upon this Occasion of procuring new Powers, is of that Moment, as not to be entrusted with any other Conveyance than that of a Courier of their own; *Don Pedro Ronquillo* might, he said, alledge the same Thing; and not intrust his Dispatch upon this Occasion by the ordinary Conveyance, that goes every 15 Days from *Bruxells* into *Spain*; but he would, he said, leave *Don Pedro* to manage his own Concern as himself should think best, only he desired us to take Notice, that if *Sweden* did complain in this Case as hardly dealt with, *Spain* had the same Reason to complain likewise; so that he was content to make his Exchange only with the *French*.

UPON the Communication of the *Swedish* Instruments to M. *Beverning*, this Protestation was laid before him, as that which we conceived both new and singular; but he pass'd it over without much Heed, saying, he had already received an Original of it from the *Swedish* Ambassadors; which we take Leave to observe, as one Instance more of that which we have in some of our former Letters desired you to take Notice of, that those Things which by the Course of the Negotiation should be handed to the Parties by our Offices, have another Conveyance, and that quicker than by us; and we have Reason to believe, it is by a Correspondence settled between M. *d'Olivenkrantz*, and M. *Beverning*.

NOTWITHSTANDING that the *French*, *Swedes*, and *Dutch* are over their Preliminaries, we are apt to think there will be yet some little Difficulty between them, about the Manner of giving in their Demands. The *Dutch* have told us, they will do it in Writing; the *French* will decline this Way all they can; yet their Allies the *Swedes* had rather do it in Writing; and as far as we are able to guess by M. *d'Olivenkrantz* Discourse in a particular Conversation, they will either do it in Writing, or at least dictate what they have to demand to the Mediators, so as they may be possessed of it in Writing.

THO' this may bear some Debate between them, yet 'tis probable they will come at last to some Adjustment or other. That which we have need of in the mean while, and do beg, is the Favour of your Directions, how far we are to be subservient to these Parties, whether their Demands be in Writing or by Word of Mouth, in the Transactions they are like to have separately from others their Allies; for his Majesty having pleased to declare, as we find it by yours of the 5<sup>th</sup> of *January*, that he cannot encourage, countenance, or (so far as may be in his Power fairly to prevent it) suffer any separate Accommodation between whatsoever Party: And yet M. *Beverning*, on the other Side, having let us know, he understands his Majesty's Mediation not only between Alliance and Alliance, but between each of the Parties and his Adversary, and that it hath been so proposed and accepted: It is our humble Desire to be instructed, how far it is his Majesty's Meaning we should make any Steps between these Parties, supposing them entered into Matter, and yet that the other Parties do stand off upon some Preliminary Difficulties, or else that all do get over the Preliminaries, (as it is probable they may, the *Imperialist* having now made that Step towards the *French*) and yet some of them stick upon a Point in the Merit of their Pretensions, that shall admit of no Temperament,

## 56 *Letters from the Embassy at Nimeguen.*

perament, while the *Dutch*, *French*, and *Swedes*, go on in composing theirs.

THIS we take Leave to suppose may be Part of our Case, for it was so at *Munster*, the *Swedes* having adjusted their Matters several Months before the *French*; and if so, we must expect to hear again of M. *Haren's* 'Treaty in Eventum, and also of that which M. *Beverning* hath often talk'd of, that they, the *Dutch*, will turn Mediators, as soon as their own Matters are adjusted, tho' he says they will not conclude without their Allies. We are, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 12th Feb. 1676-7.*

Right Honourable SIR,

OUR last was of the 8th, giving you an Account of the Exchange of Instruments being made between Count *Kinski* and the *French* Ambassadors, and of the Exceptions he made against those of the *Swedes*. The next Day we went to the *Swedish* Ambassadors, and acquainted them with that Difficulty; they insisted upon the Impossibility of procuring new Powers, without the Liberty of their Couriers, and upon the Necessity of their *Act Rescutory*, (as they stile it) but they seemed willing in their *Obligatory Act* to mention the Date of it, at the Term from which the 60 Days should begin, trusting to their other *Act* for their Excuse, in case they should not procure their Powers within that Time.

WE acquainted Count *Kinski* with this Offer, but he absolutely refused to accept it, or to exchange Instruments with the *Swedes*, if they must be accompanied with the *Rescutory Act*, saying, that he would not exchange a Certainty for an Uncertainty; and that the *Swedes* ought to have given in their Instruments like the other Parties, to have used their best Endeavours to procure the new Powers within the limited Time, and in case they failed, then to excuse it upon the Want of Liberty for their Couriers.

HAVING the same Day seen the *French* Ambassadors, we acquainted them with this Incident between the *Imperialist* and *Swedes*, and finding no present Help in it, we fell into Discourse of its Original, which was the Refusal made by *France*, to admit the Clause for Liberty of Couriers in the Passports; upon which Example *Denmark* founded their present Proceedings in this Matter, tho' they had at first granted their Passports with Liberty of Couriers: We asked the *French* Ambassadors hereupon, whether there could be any imaginable Inconvenience for them, to grant the *Spaniards* the Liberty of one Courier every fortnight from *Nimeguen* to *Brussels*, and from thence to *Madrid*, the usual Way, since they already allowed one from *Brussels* to *Madrid* every fortnight, and made no Difficulty upon the Passage from *Nimeguen* to *Brussels*. Besides, we conceived by this Institution, the *French* Ambassadors would gain a reciprocal Convenience, by having Liberty for their Couriers from hence to *Paris*, which might sometimes be necessary, besides their Dispatches by the Ordinary.

THE *French* Ambassadors seemed to find no Inconvenience in this Expedient, but said, having writ all they could to Court already upon this Subject of the Liberty of Couriers, and received their Answers, they

they were unwilling themselves to touch it any more; but wished that we would propose it to Mr. *Montague*, and by his Means to Monsieur *Pomponne*.

WE do not conceive it fit for us to transmit our Thoughts upon any Matters relating to this Mediation, by any other Hands than yours; and therefore have declined the Writing to Mr. *Montague*, but thought fit to give you an Account of these Discourses, to the End his Majesty may please to consider, whether it may be fit to renew his Offices to the *French* Court, for a Liberty of Couriers upon this Foot; by which, we suppose, alone the same Liberty may be obtain'd from *Denmark* for those of *Sweden*.

UPON yesterday, *Don Pedro de Ronquillo* sent us the Original of his old Powers, in Order to an Exchange with the *French* and *Swedes*, but still desired us to insist upon his Pretensions to them of the same Treatment being due by the Stile of *Plenipotentiary*, upon the Treaty of a General Peace, as to that of an Ambassador, tho' we hope he will not put this Point to the Trial.

UPON the Communication of the Powers to the *French* Ambassadors, they wish'd the Words *Embiado Extra en Inglatierra* had been left out, because they thought it excluded him from his Pretence of Treatment upon the Stile of *Plenipotentiary*; in Favour of which, they had written to Court last Ordinary, upon the Marshal *d' Estrade's* Assurance, that the Treatment of Ambassador had been given to M. *Clinenberg* at *Breda*, tho' he was there only Plenipotentiary from the Crown of *Denmark*.

UPON the Communication of the Instruments between the *Swedish* and *Danish* Ambassadors, there was no Difficulty found on the *Swedish* Side; but M. *Heugh* absolutely refused to accept those of the *Swedes*, upon the very same Exceptions, and almost in the same Terms, that Count *Kinski* refused them; saying, he could not accept of a limited Act, in Exchange for one which he had given without Limitation.

WE received last Night the Favour of one from you of the 6th Current; and suppose we may have this Day or to Morrow an Occasion of declaring to Count *Kinski*, the Orders we have received, not to treat with the *Brandenburgh* Ambassadors by a third Hand, the said Count having sent to us yesterday, to desire we would make the Exchange of the *Brandenburgh* Powers, which were in his Hands, both with the *French* and the *Swedes*. We remain always, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 15th Feb. 1676-7.*

Right Honourable SIR,

OUR last was of the 12th; since which, we have not any from you to acknowledge.

THE same Day Count *Kinski* came to my House, the Lord *Berkley*, with Intention to put into our Hands the first *Plenipouvoirs* of the *Brandenburgh* Ambassadors, in Order to exchange them with the *French* and *Swedes*. He told us, his Business was to act for the *Brandenburghers*, as he had been intrusted, desiring us to take those Powers he had brought along with him into our Charge, and to do our Offices upon them.

## 58 *Letters from the Embassy at Nimeguen.*

THIS being the first Occasion that we have had, since our receiving yours of the 30<sup>th</sup> past, to execute his Majesty's Commands relating to the *Brandenburgers*, we excused ourselves towards him, and let him know in few Words, that we had received his Majesty's Orders, not to receive any Message from, or transact any Business for the *Brandenburgers*, by any third Hand whatsoever. We gave him the Reason why his Majesty had so commanded us, that it was, because his Majesty being most zealous to further the publick Negotiations of this Place all that in him lay, had, notwithstanding the Difficulty between us and the *Brandenburgers* about the Counter-visit of Ceremony, not only left us at Liberty, but commanded us expressly to give the *Brandenburg* Ambassadors our Offices in any Thing that should concern the Mediation, or the Assembly, as freely and as readily as if there were no Controversy about the Re-visit or Treatment of those Ambassadors depending; and that we should leave that Controversy to receive its Decision in due Time: That we had, by the Favour of the *Danish* Ambassador, communicated to the *Brandenburg* his Majesty's Pleasure, and our Readiness in this Service: That the Return we had received, was not such as his Majesty expected to a Step of this Kind, made by his Order; for that tho' the first Resolution these Ambassadors had taken, as M. *Heugb* had inform'd us, was such as might have brought us to close together in the publick Negotiations, yet the Answer that we had was, that they could not accept of our Offices, nor enter into the Way of Commerce that we had proposed till they should receive Orders so to do.

COUNT *Kinski* appeared to be much surprized at this Answer of ours; first, he said, our refusing to exchange the Powers with him, was the refusing his *Imperial* Majesty's *Entremise* in the Behalf of an Elector. This he said, he was very confident the King our Master would be pleased not to refuse, the Emperor having a Right to treat for all Electors; that he had done so at *Munster*; that we shall see, in the Process of this Treaty, as he told us, that other Electors, as well as the *Brandenburger*, will treat under the *Imperiale Ambassade*, these were his Words.

To this we answer'd, that the King our Master did not, indeed could not possibly know, at the Time he gave these Orders, that he (the Emperor's Ambassador) had begun to concern himself in the Affairs of the *Brandenburgers*; and we told him, that the Refusal which the *Brandenburgers* had made of our Offices, was a good while before he, Count *Kinski*, first shewed and declared himself entrusted to manage their Affairs.

ANOTHER Thing he said was, that the Resolution of putting the *Brandenburger's* Affairs into his Hands, was taken in an Assembly of the whole Alliance; and that the taking their Affairs out of his Hands, would be the refusing of a Method, and of a Trust, that the whole Alliance had directed him in.

WE told him, his Majesty could not possibly be informed of any such Resolution at the Time he gave us his Orders; that the refusing the Temperament which his Majesty had offer'd, which was done a good while before their Affairs were committed to M. *Kinski*, was the Cause that he did not think fit to admit of this Method of treating their Affairs by a third Hand.

He parted with us, saying, this would unavoidably bring an *Accrache-ment* upon the whole Negotiation; that he was very sorry for the long and ill Consequences this Incident would have, and so took leave of

us with great Dissatisfaction, as we thought, and went straight from us to the *Brandenburghers*.

ON *Tuesday*, after we had done our Offices in exchanging the Instruments between the *French* and *Don Pedro Ronquillo*, we had an Hour taken at my House, the Lord *Berkley's*, in the Name of all the Allies, who had assembled that Evening in their usual Meeting Place, upon Occasion, it seems, of the Refusal we had made to Count *Kinski* the Day before, of our Offices towards the *Brandenburghers*. Those that came to the Conference with us, were the Count *Kinski*, M. *Heugh*, and M. *Becverning*. M. *Kinski* brought in his Hand a great Bundle of Instruments and Papers, far greater to our seeing than those that might concern the Ambassadors of *Brandenburgh* alone in the Exchange. He began to tell us, the great Respect the whole Alliance had to his Majesty's Mediation, and the Joy it gave to them, to see his Majesty carry it on with so much Zeal and so much Glory; that he, and the two other Ambassadors, were now come, in the Name of the whole Body of the Allies, to desire our Offices in going thro' with the Exchange we had begun to make, between them and their adverse Parties; that he had in his Hand several Instruments and Papers, that concerned the Allies; that he now offer'd them to us, and desired our Offices upon them. He told us, there were among those Papers several Instruments that they desired to exchange with the *Swedes*, between whom and the Allies there had been scarce any Thing done yet by Way of Exchange, and therefore again desired us, to further that Matter, and every Thing else that lay between the Parties, and the finishing of the Preliminaries. He did not yet name the *Brandenburghers* at all, but concluded with telling us, how much the Peace of Christendom was concerned, that the Preliminaries be dispatch'd, and the Propositions for Peace entred into.

To this we answered, that we were most ready to go on in our Offices, and to continue those Instances we had used with the *Swedes*, upon the Difficulty that is particular to them, and so to go on in the discharging of our Devoirs, in all the other Parts of our Function, with all Care and Diligence.

To this he replied, that they were not only their Concerns with *Sweden*, that he had in his Hand, but those of some of their Allies, that were not yet exchanged with *France*.

WHEREUPON we told him, that if he meant those of the Ambassadors of *Brandenburgh*, we must take leave to tell him, as we had already done, that we were not to interpose our Offices towards them by any third Hand whatsoever, his Majesty having forbid us expressly to do it, since that his Ministers having offer'd to negotiate in their Function of Mediators, for and with those Ambassadors, to go to their House, and to receive them in ours, as Occasion should happen; that Offer had been refused, and they had excused themselves by M. *Hugh*, who had been pleased to charge himself with our Offer, saying, they could not do it till they had new Orders.

HERE M. *Hugh* took up the Discourse, and taking notice that his Name had been brought into Question in this Affair, gave an Account how I, Sir *Leoline Jenkins*, had acquainted him with the Permission we had had from his Majesty; and had desired him to acquaint the *Brandenburghers* with the Facility we were allowed to give to that Part of the Negotiation: That he had acquainted them accordingly, and that they had given him Commission to let us know their Acceptance of it, but that soon after (and before he could come to speak with me, tho'

he had been at my House while I was Abroad) M. *Blaspiel* had come to his House, and given him to understand, that the Face of their Affairs was now changed in the Court of *England*; that they were in less Hopes of a favourable Resolution from his Majesty, and therefore that they could not accept of the Offer we had made them till new Orders.

IN the long Discourse he made, his Drift seemed to be to gain two Points: The one, that in the Conversation between him and me, there had been no Mention made of treating by a third Hand, and consequently, that the Message he had brought me, could not be the Ground of his Majesty's forbidding us to treat by a third Hand.

TO this my Answer was, that 'twas true, there was not a Word then spoken of their treating with us by a third, but I had Reason to believe his Majesty, before he was come to this Resolution, had taken Notice of the Offices done by a third Hand, (we named M. *Beccrning*, then present) between them and us, and appeal'd to their Knowledge of what had been since done by other Hands, by M. *Hengb's*, and last of all by Count *Kinski's*.

ANOTHER Thing he would have gained was, that tho' he had told me the *Brandenburghers* excused themselves from receiving any Visit from us, yet that he had not said, that they had absolutely refus'd to treat with us.

I told him, I could not charge my Memory so far as to give Account of Words, whether he used the Word *Traiter* or *Negotier*, or what other Words he and I had used so long ago; the Message I delivered him in my Lord *Berkley's* Name was, that we were at Liberty to negotiate with them, and to have Interviews between us, they at our Houses, and we at theirs, as if the Difficulty about the Re-visit had not happened; and that I understood his Return to me to be, that they excused themselves from entering into that Way of Commerce with us, till they should receive new Orders; and to this he was not pleased to reply any Thing; but he having thus done, M. *Beccrning* began with telling us, the ill Consequence such an *Accrochement* would have, and desired us to think of some Expedient, whereby the Treaty might not be at a Stand, and their Propositions, which were ready, not given in, for Want of us to hand them.

HE thought, we ought to make no Difficulty in receiving the Papers that Count *Kinski* offer'd us, tho' the *Brandenburghers* should be concern'd in them, since they could not be said to be theirs, but the whole Alliance's; nor that they were now offer'd by a third Hand, it was the whole Alliance that now made the Offer, it was their Hand that now gave us the Papers; and we would not, he hoped, refuse the doing of any Office that they did *conjointement & en corps* request of us; and where the Allies do appear, or are represented in one Body, there they have but one Hand, and that cannot properly be termed a third Hand; thus he laid the Stress of his Argument. If we should refuse our Offices, the Business of the whole Negotiation would be at a Stand; since none of them could treat, while any one of their Allies wanted the Faculty (which they are bound to procure each other) to treat their Affairs. Here M. *Kinski* took it up again, and offered his Papers a second Time, in the Name of the whole Alliance, and did it, he said, as their Act.

WE told them, nothing that could come from the whole Alliance /out should meet with the Regard and Deference due to it from us; only the King our Master's Orders having interven'd in the Case, we must



must beg some Time to deliberate upon the Matter, and must take a Time to speak with our Collegue Sir *William Temple*, (who was absent, being indispos'd, and not coming Abroad) before we came to any Resolution. This they all agreed to be very reasonable.

M. *Beverning*, as soon as the Conference was up, bemoaned himself very much that he had written on *Monday* to his Masters, that he would the Day following put his Propositions into our Hands; but that this present Difficulty had *accroched* all again.

WHEN we met to deliberate upon this Matter between us and the *Brandenburghers*, we found ourselves in a great Perplexity, having his Majesty's Orders so strict on the one Side, not to receive any Thing from them by any third Hand whatsoever; and we saw plainly, on the other Side, that if we should refuse the whole Alliance, the *Accrochement* of the Treaty would be imputed to his Majesty; which we thought his Majesty, as the General Mediator, would be unwilling to give Occasion to. Wherefore by Agreement among us, it was resolved that I Sir *William Temple*, having not interven'd in what had passed (while I was at the *Hague*) between M. *Heugh* and my Collegues, should go (as soon as I could possibly stir out) to Count *Kinski*, and endeavour to dispose him to bring this Matter to a better Issue than it promis'd, by getting the *Brandenburghers* to disown their having refused our Offices as Mediators, which had given Occasion to his Majesty's Orders to us; or else by prevailing with them (which would be the disowning it in Fact) to meet us at a Conference, which we should demand of the Body of the Allies, in order to give them our Answer upon the last Message brought us from them.

HE made great Difficulties at first upon this; alledging, among other Things, it would exclude *l'Entremise de l'Empereur*, which had been already admitted between us; but before I came away, he not only took upon himself that they should disown to have refused our Offices as Mediators, but withal, as to their meeting us in the Body of the Assembly *qu'il y travailleroit*, and that he would come himself, and give me an Answer upon it; which we have expected ever since, but doubt it will not come before the closing of this, in regard the Meeting of the Allies was not till 11 this Morning.

M. *Beverning*, as he went to the Assembly, came to my House Sir *William Temple*, where he found also Sir *Leoline Jenkins*; he told us, (upon Occasion of what you will find an Account of in our Dispatch of the 29th of *January*) that the *Brandenburgh* Ambassadors declared they had given him and his Collegues no Orders to acquaint us, that they could not meet us in a third Place; and that he, for his Part, (to avoid Contests upon it) was willing to take the Fault upon himself; for tho' the Thing was spoken, yet the Assembly rising in some Confusion, he was not certain whether he had Orders to tell us that Particular or not. He told us, that being yesterday to return a Visit to M. *d'Esstrades*, he had met the other two *French* Ambassadors there, and that in a long Conversation they had together, they told him, they were ready to give in their Pretensions as soon as ever the Preliminaries were over.

LAST Night the Powers of *Denmark* to treat with *France* were sent into our Hands, they are in *Latin*, which quite removes that Difficulty; so that besides the Difficulty between us and the *Brandenburghers*, we see none remaining, except it be that about the *Swedes* Reservatory Act, which none of the Allies (unless it be the *Dutch*) will receive or admit of.



## 62 *Letters from the Embassy at Nimeguen.*

LAST Night M. *d'Olivenkrantz*, in a particular Visit he made me Sir *Leoline Jenkins*, discovered some Apprehensions, that a particular Peace may be made up between the *French* and the Allies, while the *Swedes* are in their present Straits, of not being able to have Recourse by Couriers to the King their Master; and that when the *French* and their Adversaries are come to an Adjustment, such as they may make the Peace upon, the *Swedes* shall not be able to do it, for Want of knowing their Master's Pleasure; but these Ambassadors may receive for an Answer, that they cannot be stay'd for, and so a Peace clapt up without them. They have no Letter from their King since *Sept.* the 2<sup>d</sup>, and the *French* are very close towards them, as to what they intend to propose or demand.

M. *Stradtzman*, the third *Imperial* Ambassador, hath been some Days come to Town, but we as yet hear nothing of him. We remain ever,  
*&c.*

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 19th Feb. 1676-7.*

Right Honourable SIR,

OUR last was of the 15<sup>th</sup>, since which we have not any from you to acknowledge.

HAVING on *Thursday* Night received a Message from Count *Kinski*; whereby he left it to our Choice, at what Hour next Day we would give the Allies a Meeting, and being assured by his Secretary at the same Time, that the *Brandenburgh* Ambassadors, among others, would be at his House, we appointed 11 on *Friday* Morning, and met them at Count *Kinski's*.

WE found Messieurs *Ronquillo*, *Heugh*, *Beverning*, and *Blaspiel* there assembled, (M. *Somnitz* being, as we have heard since from several Hands, not able to come Abroad) and told them, we were come to receive those Instruments they intended to put into our Hands, assuring them, we would use our Diligence, as they had desired us, in making the Exchange, as likewise in performing those Offices they desired of us towards the *Swedes*, to dispose them to dispatch their Instruments in the same Form with the other Parties. M. *Kinski* upon this gave us his own Instruments to be exchanged with *Sweden*, he gave us also the *Brandenburgh* Instruments, both old and new, to be exchanged with *France* and *Sweden*.

THESE Papers being thus delivered us, our Discourse was upon the great Difficulty about the *Swedish* Couriers. M. *Heugh* took it up, and said, that he had no Manner of Commission to go beyond the Offers he had already made, of several Ways to give Ease in that Point: Besides, the Obligations his Master was under to *Spain*, as an Ally, would not permit him to do more, till the *French* should do more for *Spain*; which gave Occasion to Don *Pedro Ronquillo* to speak his Grievance, for Want of a Liberty for Couriers Extraordinary.

FROM this Conference we went to the *Swedes*, but found them not to be disposed to a Temperament, that all Parties (particularly the *French* of their own Side, and the *Dutch*, who are very much their Friends in this Case) thought reasonable to be admitted. It was, that they should make the 60 Days in their Act obligatory, to begin to run  
at

at the 4<sup>th</sup> of February, (as all other Parties do) and to content themselves, in lieu of having their Protestation pressed by us upon each of the Parties, that it should lie lodged in our Hands, and go no further.

THIS we find they might possibly have been brought to at first, but now they having press'd it upon Count *Kinski*, and it having been received by M. *Beverning*, they would not change. Besides, they say, if they cannot upon this Occasion get the Way open for their Couriers, it will ever hereafter be shut against them; and when they shall demand, upon another Incident, that they may send an Expres to their King, they expected to be answered, that they should content themselves with the same Means they have used to procure these Powers.

FROM the *Swedens* we went to the *Dane*, upon a new Incident, (for that about the *Danish* Language is over between him and the *French*) it is this: After that the King of *Denmark* hath named C. *Anthoine* and M. *Heugh* his Ambassadors Extraordinary and Plenipotentiaries, by his *Plenipouvoir*, he adds these Words, — *Iisq; Dep<sup>m</sup> nostrum Consiliarum adjunximus* — Simonem de Petcum — *Quibus proinde committimus & specialiter mandamus, ut se ad dictam urbem consulant, ibiq; Colloquia, sive directe sive interveniente operâ — Mediatorum — instituant cum Regis Gallie Legatis: —* But when he names the *Quorum*, he says, — *Damus quæque plenam & absolutam potestatem cum omni auctoritate — supradietis nostris Legatis Extraordinariis & Plenipotentariis, sive duobus conjunctim, sive uni soli, altero absente vel impedito — Pacis Tractatum pro Nobis — incundi, concludendi, & signandi, —* and to do all Things else as the King himself might have done; and so in the Clause for ratifying, they two, or one alone, is a *Quorum*.

TO this the *French* except, that there was never known an Adjunct named in a *Plenipouvoir* before, of a different Character and Power from the others. Another Thing the *French* say, that M. *Petcum*, by this Clause has Right to enter into Conferences with them, (the *French*), and with the Mediators too, which is a Style they cannot admit of in one that is no Plenipotentiary. Besides, if he do assist at Conferences, it may hereafter be pretended, that he ought to have signed, which it seems is not meant by the naming of the *Quorum*; however the Validity of the Treaty may hereafter be called in Question, the King may notwithstanding make what Use of him he pleases with the Ambassadors, and give him a Commission apart with or without a Character.

TO this M. *Heugh* answered us, it was not in his Power to leave out M. *Petcum*, his Orders from Court being expres to enter him as he is in the same Power. So that we do not see any Help in this Difficulty, till it come from *Denmark*.

YESTERDAY in the Afternoon we sent to take an Hour of the Allies, in order to make those Exchanges that lay upon our Hands, and to give them an Account of what we had done by Way of Offices towards their adverse Parties; but the Hour they have given us is not till 4 this Afternoon, by which Time the Post will be gone. We remain ever, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

Nimeguen, 22<sup>th</sup> Feb. 1676-7.

Right Honourable SIR,

OUR last was of the 19<sup>th</sup>, since which we have the Favour of yours of the 13<sup>th</sup> to acknowledge; and we humbly thank you for those fresh Assurances it brings, of our being within your Care, as to our being instructed how to govern ourselves, in case the Parties come, when the Preliminaries are over, to make separate Steps in the main Business. By the Advances this Day's Dispatch gives you an Account of, you will see how ripe we are for that Favour, especially when you shall please to reflect upon what the *Dutch* Ambassadors have more than once told us, that when the Propositions are once given in, 'tis the Meaning of their Masters, that these Ambassadors should be left to themselves, and so *un chacun à démêler ses propres Affaires*.

ON Monday, as soon as the Post was gone, we divided ourselves, and made the Exchanges that we told you of in our last lay upon our Hands. There was no Difficulty in this Work, saving with the Allies; for they did at first refuse the *Swedish* Act obligatory, because there was no Term in it prefix'd for the 60 Days to begin to run; but at last they came to this Temperament, that their Acts obligatory relating to the *Swedes* should run in the same Manner, and the Words, *à data presentium numerandorum*, be raz'd out in the Instruments of the Allies, since the *Swedes* had on Purpose left them out in theirs. In this Exchange M. *Blaspiel* was not at all shy to manage that Part he had in it, doing it with his own Hands, and not by the Intervention of M. *Kinski*.

*Don Pedro Ronquillo* being present at this Conference, insisted that the *Swedes* should accept of his Powers in *Spanish*, and give him theirs in *Latin*; the chief Reason was, because the *Swedes* do treat in that Manner with the *French*; he alledged likewise his Majesty's Example in the last Treaties, (that of 1667, and the Marine Treaty in 1670) the *Plenipouvoirs* for both which, he said, were on the *English* Side in *Latin*, and on their Side in *Spanish*; and yet when the King of *Spain* writes to his Majesty, he does it in *Latin*; which he thought might serve for an Answer to what the *Swedes* Ambassadors say, of some Letters that have of late gone from *Spain* to *Sweden* in *Latin*; which Letters they make their main Ground whereon to demand the *Spanish Plenipouvoirs* likewise in *Latin*. However, we do not find any Means to reconcile these two Parties, since both of them say they cannot quit their Point without new Orders; and *Don Pedro* is so much the more concern'd now not to lose his Point with *Sweden*, since the *French* have gain'd theirs with the *Dane* in this very Case.

THE Exchange being over, M. *Kinski* made a solemn Declaration, in the Name of all his Allies, that they were each of them ready to give their Propositions in Writing into the Mediators Hands, provided the Allies of the adverse Party were ready to do the like with theirs: He therefore desired us to discover, whether they were ready or not; and if we found them to be so, that we would name a Day on which all Parties might give in their Propositions to the Mediators, but sealed up, and not to be opened or communicated till we were possess'd of the Propositions of the adverse Party.

BEING charg'd with this Commission, we acquainted the *French* with it, and the *Swedes* too, that same Evening. The *French* at first

View

View declar'd, they had their Propositions in a Readiness, and ready written, but were of Opinion, that if the Parties did engage once in Writing, it would be a Business of endless Trouble, and little Advancement towards the Peace; and therefore desired the Writing, if any should be given, should go no further than the Mediators, for the Help of their Memory, but not at all into the Parties Hands, unless it was by Way of Memorial from the Mediators themselves. But here they seem'd very willing to draw from us a Judgment or a Declaration, which of both Ways, whether by Word of Mouth, or in Writing, we thought most conducing to the End of the Negotiation; in which we excus'd ourselves, telling them, our Business to them was no more at that Time, than to lay before them an *Ouverture* the Allies had charg'd us with; that we should likewise, if they (the *French*) should desire us to carry any Proposition on their Part to the Allies, be ready to do it. Whereupon they desired Time till next Day to deliberate of it between themselves, and with their Allies the *Suedes*. *M. Oxenstiern*, to whom we made immediately after the like *Ouverture*, desired the same Respite.

ON *Tuesday* the *French* and *Suedes* Ambassadors brought us Word severally, that their Propositions were ready, and that they would bring them in to us, if not that Day, yet next Morning; the *French* not leaving any Thing, as we expected, in Charge with us, touching the Manner of proceeding for the future, whether by Way of Proposition or Memorial, or by Word of Mouth: Of this we gave Count *Kinski* Notice immediately, and he took upon him to communicate it that Night to the Allies.

LATE last Night we perus'd the several *Pretensions* that had been yesterday put into our Hands (some at one Hour, some at another of the Day); we put them immediately into Mr. *Chudleigh's* Hands; but for Fear they should not be ready to go by the Post, we take the Liberty, by Way of a Taste, to observe to you:

1. THAT the *French* seem to us to demand nothing of the Emperor and the *Brandenburgher*, but the Treaty of *Munster*.
2. THEY demand of *Spain*, to retain whatever they have conquered, because of the Injustice of the Breach on the *Spanish* Side.
3. OF the States General they make no Demand, but offer the restoring of their Friendship, and to hearken to a Treaty of Commerce.

ON the other Side, the Emperor seems to demand in general, the restoring all Places, and repairing all Damages suffer'd by him and the Empire, as also Satisfaction to his Allies.

The *Dutch* demand from *France*:

1. *Macstricht* with its Dependencies.
2. Satisfaction to the Prince of *Orange*, in what concerns the Principality of *Orange*.
3. A Reglement of Commerce, and a Renunciation of all Pretensions that either Party may have upon the other. As for other Demands they might make, they say, they sacrifice them all to the Publick Peace, provided Satisfaction be given to their Allies.

THE *Brandenburghers* demand of *France* the Reparation of all Damages.

## 66 *Letters from the Embassy at Nimeguen.*

THE *Spaniards* demand all the Places they have lost, and all the Damages they have suffered by *France* since the Year 1665.

The *Swedens* Demands from the Emperor are :

1. THAT the *Westphalique* Peace be restored.
2. THAT all Provinces, Towns, and Places, which by that Peace do belong to *Sweden*, be restored, with their Dependencies, and put into the same Condition they were in before the War.
3. JUST Satisfaction for Damages.

FROM the Elector of *Brandenburgh*, the same in the very same Words.

FROM the *Dane* :

1. THAT the Peace of *Copenhaguen* be restored.
2. THAT what the *Dane* has taken from the *Swedens* in the Empire, be restored to the Terms of the *Westphalique* Peace.
3. THAT the Provinces, Towns and Places whatsoever that belong to *Sweden*, either by the Treaties of *Copenhaguen*, or *Westphalia*, be restored, with their Dependencies, and put into the same Condition they were in before the War.
4. JUST Satisfaction for the Damages and Expences of the War.
5. FULL Security for the future.

FROM the States General :

1. THAT the Treaties and Commerce be restored as they were before the War.
2. THAT all Places whatsoever that have been taken from the *Swedens*, by the Assistance of the *Dutch*, (whether in Military Forces or in Money) be restored.
3. THAT the Damages which the *Swedens* have sustained, whether Publick or Private, be repaired.

FROM *Spain* :

1. THAT the King do, as he is a Party in the War, procure the Places that are taken from *Sweden*, to be restored them.
2. THAT he give Satisfaction for Damages and Expences.

THE Emperor demands from *Sweden* :

1. THAT to the Emperor, the *Roman* Empire, and all the Confederates, Satisfaction be given.
2. THAT the Damages sustained be fully repaired.
3. THAT convenient Ways and Means be thought on, to prevent future Difference, as the Particulars shall be specified hereafter.

THAT which the *Brandenburghers* desire is not so clear :

1. THEY say, if an equal Peace be to be made, *Sweden* must satisfy and indemnify *Brandenburgh*.
2. THAT it is in vain to make a Peace, unless it be provided in the first Place that it be sure.
3. THAT *Sweden* had a great Part of *Pomerania* yielded to it for Peace Sake, but that the Elector finds it to be made the Opportunity of a War against him ; and that unless he be freed from the perpetual Occasion of being in Arms, he can have no Peace.

4. THERE-

4. THEREFORE that he desires his Majesty, as Mediator, to procure him that which is equitable and secure.

5. THAT the further Explanation of this is reserved, and especially the insisting upon Satisfaction for the Elector's Allies.

THE *Dane* demands from *Sweden* :

1. THAT all Things be restored into the State they were in between those two Crowns, before that War broke out, which ended by the Treaty of *Brumsbroo*; so that all Places that have been since taken from *Denmark* be restored, and that the Exemption that the *Swedes* have granted them from Toll by the Treaties of *Brumsbroo*, *Roschild*, and *Copenhaguen*, be made void, and the Tolls return to the Crown of *Denmark*.

2. THAT the *Swedes* be deprived of what they have by the *Westphalia* Peace, so as *Brandenburgh* have all in the Dutchy of *Pomerania*, the Isle of *Rugen* (which ought to return to *Denmark*) excepted.

3. THAT the Dutchies of *Bremen* and *Verden* be divided among the Confederates, *Wismar* excepted, which ought to come to the *Dane*.

4. THAT all Monopolies which the *Swedes* have set up in the Coasts of the *Baltick* Sea, be abolish'd.

5. THAT the *Dane* may have Garrisons in the Frontier Places between him and *Sweden*, but that the Revenue of those Places remain to the *Swedes*.

6. THAT nothing of this will serve Turn, unless his Allies have full Satisfaction.

7. THAT the *Danish* Ambassador reserves to himself, to explain and exchange these Propositions, if the *Swedes* make any Delay upon them, as the State of Affairs shall bear.

THE States General demand from the *Swedes* :

1. THAT they are ready to enter into a Peace with *Sweden*, provided it be General, and comprehend the Interests of their Allies.

2. THAT in the Treaty that is to be made, there be Rules and Means set out, to prevent the Inconveniencies that are used to arise about the Rights of Commerce and Navigation.

THUS you have an Account (tho' a very imperfect one) of the Propositions of all the Parties here, which were yesterday and last Night (some of them at 11 at Night) brought to us: Only we have a Proposition from *France* to *Denmark*, which we do not give you an Account of, because we have none from *Denmark* to *France*: The Reason *M. Heugh* hath given this Morning for it is, that the War between those Crowns being not yet declared when he came from Home, he was not instructed, but would write for Instructions, if he might see the *French* Proposition, which yet we are forbid to communicate before his be in.

WE have a Proposition handed to us likewise by Count *Kinski*, from the Duke of *Lorain*; but we have not open'd it, in Regard that we have nothing for him from *France*. We likewise want the Proposition of *Spain* to *Sweden*.

THIS is the best Account we are able to give, upon once reading of the Propositions. You'll have as many of them at large, as *Mr. Gbudleigh* will be able to dispatch by this Post; and for the rest, we must desire your Patience till the next. We remain, ever, &c.

*F. Berkley.*  
*W. Temple.*  
*L. Jenkins.*  
*Nimeguen.*

Nimeguen, 26th Feb. 1676-7.

Right Honourable SIR,

SINCE our last, which was of the 22<sup>d</sup>, we have the Favour of yours of the 20<sup>th</sup> to acknowledge; and therein we observe and humbly thank you, that notwithstanding your great Applications, and the Parliament sitting, you are pleas'd to take special Care to instruct us in his Majesty's Pleasure upon several Points depending here.

WE told you in our last, how that the Demands of several Parties and the Counter-Demands were in our Hands: We may now add, we are possess'd of them all, and have exchanged them, those between the *Spaniard* and the *Swedes* excepted; in the Exchange of which, being later than the rest come to our Hands, we do not foresee any Difficulty.

'Tis true, the Allies have made a Difficulty to retain those Pretensions of *France* and *Sweden* upon them, that we had left with them on *Friday* Night last; the Pretence was, because that they having given a Proposition for the Duke of *Lorain* into our Hands, did not find a *Contre-Demand* to it, among the Propositions we had left with them from their several Adversaries.

THE Reason why the *French* refused to give any *Contre-Demand* was, because there hath no Plenipotentiary or *Plenipouvoir* as yet appear'd here for that Duke; and their Answer is, that themselves being within the Forms, and the Duke not yet come into them, they will then give an Answer touching his Pretensions, when they see a Hand authoris'd to give them in.

THE Allies are not yet acquainted with this Answer and Resolution of the *French*; however, they are it seems sensible, that they ought not to have returned the Pretensions of their Adversaries (after the Exchange made) into our Hands, which it seems was the Occasion that they did last Night come and re-demand those Pretensions again from us, but have appointed us so late an Hour this Day to meet them, that the Post will be gone before we can come to know what they will further say or do: But M. *Beverning* having already called for the Pretensions against his Masters that lay in our Hands, (himself being out of Town on *Friday*, when we delivered to the other Allies those that concerned them) and having delivered his Opinion, that the Allies were to blame to back those Propositions we had left with them, we cannot think that they will do otherwise now, than receive them upon their own asking; tho' the Answer of the *French* touching the Duke of *Lorain* is not like to please them.

WE take Leave to observe to you, that on *Friday*, upon Notification from M. *Stradtsman*, we made him our Visit of Ceremony, in which passed nothing but what is usual.

A Gentleman of the Barony of *Breda* came hither Express, to desire us, by Way of Office and Recommendation to the Intendants and others, to endeavour to get the People in that Barony eas'd in the excessive Contributions that *France* demands from them at this Time. This Gentleman's great Reliance was upon his Majesty's Clemency and Goodness for that People, especially since he had passed some Time among them; and they hoped, that his Majesty may do them the Honour, as not to have yet forgot, that they were a People to the utmost that lay in them, full of Duty, and zealous for his Interest.

THE

THE *French* Ambassadors upon the Offices made towards them, answer'd in this, as they do in all the like Cases, their Commission related not to the War, but to the Peace.

M. *Spanheim* made the like earnest Request in the Name of his Highness the Prince Elector *Palatine*, that his Majesty would so interpose his Offices with *France*, as to save those Territories that are most exposed, from the Fire and Desolation that is in his Neighbourhood.

AND on *Friday*, Count *Nassau*, the Lieutenant General of the *Cavallerie* here, made the like Request in Behalf of his elder Brother and himself, his Brother having had 30 Villages already burnt down in that Country, and the rest of it being expos'd.

OUR Colleague, Sir *William Temple*, does not sign this Dispatch, he having made on *Saturday*, upon an Express from his Highness the Prince of *Orange*, an Excursion as far as *Saesdyke*, whence we do not expect him till late this Night, or some Time early to Morrow. We remain ever, &c.

*J. Berkley.*  
*L. Jenkins.*

*Nimeguen, 1<sup>st</sup> March, 1676-7.*

Right Honourable SIR,

SINCE our last, which was of the 26<sup>th</sup> past, we have none from you to acknowledge.

THAT which we are to add to it is, that on *Monday*, at five a Clock, Messieurs *Stradtsman*, *Ronquillo*, *Heugh*, and *Blaspiel*, being met at Count *Kinski's*, took back again from us, each of them, the Pretensions of *France* and *Sweden* against their respective Masters, which they had on *Friday* last returned into our Hands, nor did the Answer the *French* had given us touching Counter-Propositions for the Duke of *Lorain*, make them demurr to take back their Papers, tho' the Occasion of their bringing us those Papers back again, was pretended to be, the not having a Counter-Proposition for *Lorain*, as well as the rest; and tho' the Answer we brought them from the *French*, was very little satisfactory to them, it being the same we told you of in our last.

ON *Tuesday*, Messieurs *Kinski* and *Beverning* having taken an Hour of us for a Conference, their Business proved to be, to represent to us, that the *Plenipouvoirs* and the Pretensions of the several Parties being now given in, and exchanged on all Hands, and those of *Brandenburgh* among the rest; they (Messieurs *Kinski* and *Beverning*) had an Office to pass towards us, in the Name of the Body of the Alliance, but in the Behalf of the *Brandenburgh* Ambassadors.

It was, that in Regard the frequent Occasions those Ambassadors would have from henceforward to have Recourse to us, upon the Subject Matter of the Propositions and Pretensions that related to their Master, it did concern them very much to have the Difficulty now depending between them and us taken away, to the End, their Recourse to us, and our coming to them, might be free, and without Embarrass, as it is between us and all other Parties. That the Question hath now depended a good while, and that we may have of late remarked in the Carriage of the *Brandenburghers* towards us, that there was no Ground for those Prejudices, that may have been endeavoured to possess his Majesty with against them, in Regard they have of late made use of our Offices in the Exchange of their Papers, and have appear'd among other their

Allies



Allies several Times to meet us, which was a sufficient Evidence, that they did not refuse his Majesty's Mediation, nor decline to come where we were.

COUNT *Kinski* said particularly, that for his Part, he is now satisfied it may be fully made out, that the second Ambassadors of *Brandenburgh* had that Treatment at *Munster*, which they pretend to here. But that which he relied upon, as most likely to move his Majesty in this Case was, that it is certain, there is no where, but in the Empire, any such Thing in Use as a Treatment that distinguishes between the first and second Ambassadors, but that all Members *d'un Corps d'Ambassade* are equally, and alike treated in all other Courts and Places of Christendom. That now his *Imperial* Majesty having taken away that Difference in the Empire, and other Crown'd Heads having given in to his Example, it was very much his Hopes, his Majesty would, out of his great Equity, not desire to keep up that Distinction, when the Emperor, from whom it took its rise in the Empire, had consented (and with him other Crown'd Heads) to have it quite taken away from henceforward. The Close of this Conference was, to desire us, as they did very earnestly, to represent to his Majesty, the great Conveniency there would be of a favourable Resolution in this Point, that thereby the *Brandenburghers* might have a freer Access to us than now they have, and we to them.

WE told them, we did not apprehend there was any Bar between us, as to the Freedom that was necessary for Business, since his Majesty had allow'd us to go on in doing the Offices of our Function, leaving the Question of Ceremony still to depend; and consequently, that M. *Somnitz* at least might come to us, and we go to him, as the Occasion should require, without any Consequence, as to the Controversy between the two Embassies.

WE represented likewise to them, how busie a Time it was now at Court, and minded them of what we had several Times told them before, that his Majesty, as Mediator, had reserved to himself, to declare his Judgment one Way or other, the last rather than the first, in Cases of this Nature.

THAT which they made their Desires, repeating it several Times, was, that we would represent to his Majesty, the Occasion that now presses the *Brandenburghers*, to desire his Majesty's Resolution one Way or other in the Point. Which we thought we could not refuse to do, notwithstanding that we find, by a Copy of a Letter of the *Brandenburghers* to M. *Schwerin*, (which we had the Favour to receive inclos'd in yours of the 20<sup>th</sup>) we are not so fairly dealt with by those Ambassadors. For we have recollected ourselves all that we have been able, of what passed between us and M. *Beverning* relating to them; and not one of us can call to Mind, that there was one Word spoken of the Treatment of *Excellencies* to be omitted towards us, which is all we can say by Way of Reply to so extraordinary an Assertion.

ONLY we agree with them, that there was a very long Conversation between us, and M. *Beverning* and his Colleague, on the 25<sup>th</sup> of *January*, and of it you have a very exact Minute, which proves likewise to be a very long Account in our Letter of the 29<sup>th</sup> following, and by it you will see, as there was nothing in that Conversation (for there are several rough Passages in it) that we should so forget ourselves as is surmised; so we tell the *Dutch* Ambassadors very expressly, we could think of no Expedient, besides the Use of that Permission which his Majesty had already given us, which was, not to decline the Offices of  
our

our Mediation, notwithstanding the Dispute between us. But how high the *Brandenburgh* Ambassadors have been, notwithstanding they are come to somewhat a softer Note of late, is best seen in the Account they themselves have given M. *Schwerin* of their having told the Allies, *Que tant que l'on ne satisfaisoit point à S. A. Electorale sur le traitement de son second Ambassadeur il étoit impossible de voir les Mediateurs en public, ou en particulier de les charger de quelque chose.* — And again, — *Si on ne donnoit point Contentment à son A. Electorale ils seroient obligez de rompre le traité.*

BUT as there was nothing in our Conversation with the *Dutch* Ambassadors about the Title of *Excellencie*, so there was nothing (which is a Surmise of the same Nature) of using the Expedient for three Weeks or a Month; that was a Proposition we had never heard of then, and it seemed very strange to us, when we heard it made some Days after by M. *Kinski*. But we know not what other Answer to give such Assertions, but humbly desire they may be compared with those Relations we made when Things were fresh, of what passed between us and others; in which it hath been our constant Endeavour to omit nothing that is material to the Business in Hand.

As to the Treatment of one that is barely a Plenipotentiary, (which is another Thing of which you are pleased to require some Account of us in yours of the 20<sup>th</sup>) we can say little from any Thing that we have heard argued *pro* or *con* among the Parties here. *Don Pedro Ronquillo* did at first tell us much of a *Protocoll* in Count *Kinski's* Hands, whereby it appeared, that the *Imperial* Ministers at *Munster* were no more but *Plenipotentiaries*, not *Ambassadors*; and yet that their Treatment was in all Things like that of Ambassadors; but he hath not been pleased to procure us a Sight or Extract of it.

FOR the Treatment of those Ministers, there is little Doubt but that it was as he says; but whether they were Ambassadors as well as Plenipotentiaries, is a Question that we are enquiring after; for it is true, there are two printed Copies of the *Imperial Plenipouvoirs* (one in 1642, the other in 1645,) and in neither of them are they stiled *Ambassadors*, yet in the Body of the *Istrumentum Pacis* that they made, they are called *Ambassadors*, which we know not yet how to reconcile; but shall be sure to give you an Account of every Thing we can attain to upon this Subject.

THE Reflexion the *French* made upon the Sight of *Don Pedro Ronquillo's* Original *Plenipouvoir* was, that however a Plenipotentiary, simply so declared, might have some Pretence to demand a Treatment like to that of Ambassadors, since it had been once made a Question, yet that in *Don Pedro's* Case, it would bear no Dispute, in Regard the King his Master stiles him in his *Plenipouvoir* to this Place, but his *Envoyé Extraordinaire* in *England*; so that his Treatment is limited, say they, to that Quality. But it is not so likely that this Question will be stirr'd again about *Don Pedro*, in Regard, 'tis probable, he will defer his appearing in publick till his new *Plenipouvoir* comes, which stiles him Ambassador Extraordinary as well as Plenipotentiary. We remain ever, &c.

*J. Berkley.  
L. Jenkins.*

A son Altesse Serenissime M. le Duc de Lorraine.

à Nimègue ce 3 me Mar. 1676-7.

MONSIEUR,

NOUS avons reçu l'honneur que V<sup>otre</sup> Altesse nous à fait par sa Lettre du 19 du Mois passé, laquelle nous a esté mise entre les mains avec les Pretensions de V. A. contre la *France*; nous ne doutons pas que Messieurs les Ambassadeurs aux quelles elles ont été adressées n'ayent rendu conte à V. A. du refus que Messieurs les Ambassadeurs de *France* ont fait de les recevoir, aussi bien que de donner les Contrepretensions de la *France*; se fondants sur ce que personne n'avoit encore icy parüe munie d'un Pouvoir suffisant de la part de V. A. C'est pourquoy nous avons retenu les Pretensions de V. A. entre nos mains sans en avoir ouvert le Pacquet, ce que nous faisons tout aussi-tôt que nous verrons jour à en Pouvoir faire l'Echange selon l'intention de V. Alt. Cependant nous la supplions de Croire, que ce sera avec beaucoup de Joye que nous obeïrons aux Ordres que nous pourrions recevoir de sa Majesté le Roy nôtre Maître, touchants les Interêts de vôtre Altesse; Et que nous Embraserons les Occasions à luy témoigner le Respect & la Passion, avec laquelle nous sommes, MONSIEUR, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

Nimeguen, 5 th Mar. 1676-7.

Right Honourable SIR,

SINCE our last, which was of the 1<sup>st</sup> Current, we have none from you to acknowledge.

THE next Day the Ambassadors of the Allies came to us, and told us, they had received Orders from their Masters, to represent to us the great Violences and Extremities into which the *French* had lately begun to carry the War; which, instead of disposing the Spirits of the several Parties to a Peace, were likely to procure greater Sharpness amongst them, if not prevented by the Offices of his Majesty, as Mediator; they said, the late Actions of the *French* Troops, between the *Saar* and the *Rhine*, were of a Strain never yet practised among Christian Princes, the Executions being made, and the whole Country burnt, not only where Contributions had been settled and paid for several Years, but where they had been lately advanced till *Midsummer* next. After this, they protested in the Name of their Masters, that in case of Change of Fortune in the War, they should, by Way of Return, exercise the same Measures towards *France*; that it was a Thing very far from their own Dispositions, and to which they should only be forced by the Examples of *France*, and by the Necessities of the War, which could not be carried on without a *Jus Talionis* between the Parties. They desired us we would take Notice of the Day wherein they made us this Declaration, and represent the Thing both by our Letters to his Majesty, and by our Reports to the *French* Ambassadors.

ON

ON *Saturday* we gave an Account of this Conference to the *French* Ambassadors, who, after some private Consultation together, gave us this Answer: That they were not here to enter upon Considerations of the Ways or Manner of carrying on the War, but to receive any Propositions that should be made towards the Peace; that if they should enter on both Sides into those Complaints, they, the *French*, should have as much to say of that Kind as their Adversaries; but they thought it was not their Parts of the one Side, or of the other: And that every Prince that was engaged in a War, made it after his own Manner, and took what Advantages he thought fit, and was to run the Hazard of a Return upon any Change of Fortune.

THIS was the Sum of a great deal of Discourse they made us upon this Matter: Amongst which we observed one Passage, wherein they particularly justified this kind of proceeding against *Spain*, by saying, they had begun the War against *Holland* *bonnêtement*, and that indeed they had not begun it, but followed his Majesty in it, and had not pursued so, till *Spain* invaded them by the Attempt of *Charleroy*, against their Treaties; and that thereupon his Majesty himself had declared the *Spaniards* the Aggressors in this War.

UPON *Sunday* we gave an Account to the Allies of what Return the *French* Ambassadors had made them; to which they replied no more, but that the Parties at *Munster* had made the same Applications to the Mediators there, which had been better received, and in another Manner than they found they were now by the *French* here; that it was we'll however their Masters should know what they were to trust to in the Course of the War.

WE have observed of late in Discourses of *Don Pedro de Ronquillo* and *M. Beverning*, that the Cause of the Allies assembling no more in the Publick Room they had formerly used, was the Difficulty made by Count *Kinski*, of giving Place to us the Mediators, when we should come amongst them. We have seen them hitherto either at Count *Kinski's* House, or our own, in neither of which there could be Difficulty between us; but yesterday, the Hour being given us at *M. Heugh's*, I Sir *William Temple* (in my Lord *Berkley's* Absence) went up strait to the Place where the first Chair stood; but Count *Kinski* standing close by it when we came in, (it being by the Fire Side) placed himself next between Sir *Leoline Jenkins* and me, resolving (as we observed) to keep that Place if we had sat down; upon which I delivered my Message without sitting, in regard I thought that what was denied to one of us, was denied to the Embassy, which is the Point his Majesty's Honour may be concerned in. We find our Instructions so short on this Point, that we cannot but desire, upon this Occasion, you will be pleased further to enlarge them, since the Thing may return often upon us, by our meeting with the Allies at other Houses, as well as at Count *Kinski's*.

AFTER this Conference, I Sir *Leoline Jenkins* going to *M. Beverning's*, to deliver him some Papers from the *French*, relating to the Neutrality, we fell into Discourse of what Paces were next to be made, now the Pretensions were exchanged; Upon which he said, we should have heard from him several Days ago, but that he had been in Expectation of Instructions from the Pensioner, concerning a Marine Treaty, whose Journey to *Groninguen* had delayed them; that he himself had made a Draught of it, but durst not trust wholly to his own Skill; that when he received one from *Holland*, he was resolved to carry it himself to the *French* Ambassadors, and leave it to their

## 74 *Letters from the Embassy at Nimeguen.*

Choice, whether to trouble the Mediators with it or no, it being a Matter of that Nature, as he thought, that might need no Intervention between them; that they were tied to none of the Allies further than to communicate what passed, and needed not to make any Stop till they came to the Conclusion of the Treaty: That he knew very well the *French* would give them more than they desired, if they would make a separate Peace; but as their Honour would not suffer that towards the *Spaniards*, who had help'd them in their Distress; so *Don Pedro* must not expect *par un coup de plume*, to recover the great Losses they have had by the Wars; that when he was near a Conclusion with the *French*, he would begin to speak to his Allies, and act the Part of a Mediator between them.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 8th Mar. 1676-7.*

*Right Honourable SIR,*

SINCE our last, which was of the 5th, we have not any from you to acknowledge; nor hath any Thing occur'd to us here of any kind that is worth your Notice. We have had no Manner of Applications made to us from the Parties, since the Exchange of Pretensions between them. However, we could not let pass this Post without giving you this Trouble, which we shall take Leave to close with the Assurances of our being, *SIR, &c.*

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 12th Mar. 1676-7.*

*Right Honourable SIR,*

SINCE our last of the 8th, we have received the Favour of yours of the 27th past, with his Majesty's Allowance of our Conduct as to the *Brandenburgh* Ambassadors, which we shall continue, as you are pleas'd to direct us, until we receive new Orders upon this Matter.

UPON *Saturday M. Beverning* came to us, and told us, the Reason we had not yet heard from him since the Exchange of the Pretensions, was a Difference that had fallen out amongst the Deputies of some Towns in *Holland*, upon some Points of the Marine Treaty drawn up by the States, which had forced the said Deputies to have Recourse to their Principals, and thereby occasioned some Delay; but that he hoped to receive it within very few Days, and then he should fall to work upon it, whether the rest of his Allies here were ready to go on or no, upon the Matter of their several Pretensions. In the mean time, he thought it would be necessary for the Business here, that *Don Pedro de Ronquillo* should appear in Publick, and thereby fall into Commerce with the *French*, and the other Ambassadors upon the Place. To this End he told us, the *Swedes* had already declared, they would make no Difficulty to treat him as Ambassador, even before the Arrival of his new Powers, and notwithstanding the Omission of that Stile in his old; that they would likewise speak to the *French* Ambassadors upon that Point;

Point; but that he (*M. Beverning*) apprehended some Difficulty from us the Mediators, tho' the others should agree, and therefore desired to know beforehand our Intentions upon it. We told him, that his Majesty, in the Figure of Mediator, thought himself at Liberty to declare himself last upon any Points of this kind in Dispute, and therefore we should at present say nothing to it, but should give him our Answer, whenever both the *French* and the *Suedes* should have agreed upon it.

THIS Morning *M. Stradtzman*, one of the Emperor's Ambassadors, made his first Visit to every one at his own House, with this Excuse of having so long deferred it, by Reason of his Illness, and with all the usual Professions of his Master's Confidence and Esteem of his Majesty's Mediation.

*M. Christin*, one of the *Spanish* Ambassadors, is likewise arrived, so as *Don Pedro* and he will produce themselves at the same Time, when either they may be assured of their Treatment as Ambassadors upon their old Powers, or at least when they receive their new, tho' *Don Pedro* be very earnest that the first may be done, and so much Time thereby gained (as he pretends) in the Negotiation here. We remain ever, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 15th Mar. 1676-7.*

*Right Honourable SIR,*

OUR last was of the 12th, since which we have the Favour of yours of the 6th to acknowledge, but have no Occasion given from it to enlarge your Trouble, which we know is sufficiently great at this Time.

HAVING heard by several Ways on *Monday* Night and *Tuesday* Morning, how the *French* Ambassadors had refused to receive *M. Stradtzman's* Counter-Visit, we had on *Tuesday* in the Evening from the Emperor's two Ambassadors a more particular Account of what had passed in that Business, they coming on Purpose to acquaint us with it, and to desire us, in Regard the Answer that was given *M. Stradtzman's* Secretary, when he was to demand an Hour of them, was in general Terms, we would procure an Explanation of it, that they might represent the whole to their Master, that he might please to give Directions as he should find Cause to do for the future. They caution'd us not to mingle any Thing of Complaint as from them in this Office, but only to procure a particular Answer, why the Counter-Visit had been refused.

THE Representation that Messieurs *Kinski* and *Stradtzman* made of the Case was thus; That *M. Stradtzman*, upon his shewing himself in Publick here, (about three Weeks ago) after he had notified the Mediators, sent to notify likewise the Ambassadors of other Crowned Heads, in the usual Manner.

THAT the Secretary that went to notify the *French* Ambassadors, found *M. d'Esfrades* sick when he came, and was not admitted to him; but directed to go to *M. Colbert's*; and *M. Colbert* proved not to be at Home, but was said to be at *M. d'Avaux's*, whither the Secretary went; and when he came, he found both the *French* Ambassadors so engaged with us in a Conference, (it seems upon some Business or other in

our Function, that he could not be admitted to deliver his Message for a good while.

THAT the first of all (the Mediators excepted) that returned his Complement, and demanded an Hour of M. *Stradtsman*, was M. *Heugh*, and next to him M. *Oxenstiern*, and that he assigned the Hour of two to the first, and of four to the second. That in the 3<sup>d</sup> Place came the *French* Ambassadors Secretaries to make their Complement, and demand an Hour, this was in the Forenoon; the Hour he gave them was six, but they desired it might be sooner, and if he pleased at eleven; but he excused himself, saying, he should be busy all the Forenoon with a Minister from the Elector of *Cologn*, and that he should not be at Liberty before six, not telling them how he was engaged to the *Dane* and to the *Swede*. That at six the *French* Ambassadors performed their Visit to M. *Stradtsman en corps*, with a Train of 7 Coaches and 6 Horses a-piece; and the Complement passed (it seems) with mutual Satisfaction.

THAT after M. *Stradtsman* had received his Visits of Ceremony from all the Parties here, and before he return'd any, he fell ill of a De-fluxion, which brought him (as was said) to spit Blood; and during his Illness (which lasted about a fortnight) he excused himself to the three Ambassadors, for that he had not yet return'd them their Visit, and each of them answered his Complement by a Gentleman of their own.

BEING to make his Re-visits, which was on *Monday*, having done with us (as we told you in our last) he sent to take an Hour of the *Dane*, but he was out of Town, being gone to *Wesel*: Then having taken an Hour of M. *Oxenstiern*, and given him the Counter-Visit, he sent to the *French*, who were the next in Order that had visited him, to take an Hour of them likewise to revisit them. That the Instruction of his Secretary was to go first to M. *d' Estrades*, and then to his Colleagues severally: He was to ask an Hour of M. *d' Estrades*, and to know whether he might have the Honour to find them all three together, and at what Hour.

To this M. *d' Estrades* answered, — *Qu'ils n'estoient pas plus en Estat de recevoir la Contre-visite, M. Stradtsman ayant manqué au Respect qui estoit deu au Roy*: — The Secretary hearing this Answer, desired to know, *En quoy il avoit manqué?* To which M. *d' Estrades* reply'd, — *Que M. Stradtsman le sçait fort bien*. The Secretary having this Answer, and conceiving it to be given not only for M. *d' Estrades*, but his Colleagues too, took his Leave, and return'd to his Master, but did not go to the other Ambassadors.

THIS was the Substance of that Account the Emperor's two Ambassadors gave us, adding, they could not imagine what it was that might have given the Offence, unless it were that he sent to the *Dane*, with an Intention to revisit him if he had been at Home, and actually revisited the *Swede* before he had sent to take an Hour of them to the same Purpose; the Request they closed with was, as before, that we would endeavour to discover wherein M. *Stradtsman* had been wanting in his Respect to the Most Christian King.

YESTERDAY Morning we went to the *French* Ambassadors, and having laid before them the Commission we were charged with from the Emperor's Ambassadors; their Answer was very short, it was, that they were sorry those Ambassadors had given us Trouble in a Matter that was now past, and was not capable of Negotiation: That M. *Stradtsman* knew very well what the Practice had been in other Assemblies like

is; and that he not observing the same in this, they had done no more but punctually executed the Orders of their King.

THIS was the Answer given at first by M. *d'Eftrades*, and in the Close of our Conference repeated by M. *Colbert*, with a Preface, that tho' they had discoursed to us of some Incidents that every Body, he said, did take Notice of; yet they intended no more but what is above, as an Answer to the Message we had brought.

THOSE Incidents were but two that we could observe, tho' M. *Colbert* told us, there were *Mille choses dans la Conduite de M. Stradtsman, qui marquoient qu'on pretendoit quelque Espece de Superiorité.*

THE one was, that M. *Stradtsman* did defer for three Weeks together, to return the Visit they had made him; a Thing, he said, hitherto unheard of, without so much as excusing it, or acquainting them with his Indisposition; only when he had Occasion to ask a *Sauvegarde* of M. *d'Eftrades*, for some Concerns he had in the Dutchy of *Cleves*, he did, under one, make some Mention of his Illness, but that was only by the bye; whereas so long a Delay was not to be excused but by a more formal Advertisment of his Indisposition than that was.

THE other Incident that M. *Colbert* complain'd of was, that when M. *Stradtsman's* Secretary came to ask an Hour of M. *d'Eftrades* for the Revisit, he never came at Messieurs *Colbert* and *d'Avaux*, but spoke of the Thing, as if there had been no more to do, but for the Marechal to send to them two, that they should render themselves at his House.

THE Emperor's Ambassadors having insinuated to us, that they could not imagine what should be at the Bottom of that Refusal the *French* had made, unless it were that they pretended to the first Revisit by a kind of Prerogative, notwithstanding the general Rule that Revisits are to be paid in the same Order the Visits are made; M. *Beverning* also and others harping upon this String in their Discourses upon what had fallen out, we could not but quickly call to Mind, and look back upon an Instruction we had receiv'd in your Letter of the 19<sup>th</sup> of *January* upon this Case, and also resolve to oppose ourselves peremptorily (as we are there directed) to any such Pretension, in case it should be touch'd upon. But the *French* Ambassadors keeping themselves to general Words for their Answer, and those Incidents they complain'd of to us by way of Discourse not bordering upon any such Pretension, we did not stir that Question, since nothing that passed between us gave us any Occasion to enter upon it.

YESTERDAY in the Evening, we gave the Emperor's Ambassadors an Account of the Answer the *French* had given us; they quickly resolved it to be so general, that there was no Means by it to discover, wherein M. *Stradtsman* had been wanting in the Respect due to the Most Christian King, and consequently no Way for the Emperor to direct the redressing of what was amiss, or to prevent the like for the future. But hereupon M. *Stradtsman* made a large Deduction of all that had pass'd in this Matter, endeavouring to make it appear, that the *French* were not willing to speak out; yet that there could be nothing else at the Bottom, but a Pretence to the first Visit, preferably to all other Ambassadors here, which was a Thing, he said, would touch other Crowns more than the Emperor his Master, who is out of Competition in this Case; and he asked us, whether we would be content the Emperor should make such a Declaration in Favour of the *French*? Upon which we immediately replied, that not only we ourselves should not be content, but that we were very sure the King our Master would not



not be so neither ; only that the *French* Ambassadors had not mentioned any such Thing in what had passed between them and us.

THE Emperor's Ambassadors made it their Request to us, we would give them the Answer of the *French* in Writing ; M. *Kinski* pressed it with much Earnestness : We represented to them, that what they desired, was a Thing that had not been yet practis'd in this Assembly ; that it had Inconveniencies that attended it, in Matters that were *Delicates*, as this is ; and that such Matters were not like to have the better Issue, but rather to engage the Parties in further *Aigreurs* ; when they were deliver'd in Writing under the Hands of the Mediators. However, we offer'd to dictate to them forthwith, while one of them took in Writing what was given us in Answer ; and we observed to them, that we durst not charge our Memories to repeat the precise Words and Syllables that the *French* had used, so as to give them under our Hands ; and therefore, that if any Thing be to be given under our Hands, we must have Recourse to the *French* upon it, to know if we have rightly and fully comprehended their Answer. Besides, that this would beget another Trouble, which would be, to lay before the *French* in Writing, that Message we had carried them from them, the *Imperialists* ; but M. *Kinski* was unmoveable from his Demand, and so we took further Time to advise together what we are to do in this Case.

WE have found in Conversation with the *French* Ambassadors, that tho' they have, as they say, represented *Don Pedro Ronquillo's* Case with Advantage to his Person, and with Favour to his Pretension of being treated as Ambassador, if he should appear, and make his Visits of Ceremony, while he is no more but Plenipotentiary ; yet the Most Christian King will not allow the sole Title of *Plenipotentiary* to have any Pretence to Rank ; so that we, for our Parts, cannot, according to an Instruction you were lately pleased to send us in this Point, receive *Don Pedro* as he pretends, if he should make his Visits of Ceremony before his new Powers came from *Spain*.

THIS we acquainted M. *Beccrning* and Count *Kinski* with, desiring them they would intimate it to *Don Pedro*, which they undertook to do. Only the last pressed us to declare however, what we ourselves would do in the Case ; but we continued to excuse ourselves from declaring, since the Parties were at so great a Difference between themselves upon the Point, advising that *Don Pedro* would continue in the Posture he is, till the Arrival of his new Powers, which probably will be c're long.

IN a Conversation we had with M. *Beccrning* upon *Tuesday*, upon the Incident of M. *Stradtzman*, he took Occasion to tell us, that the Reason of his not moving upon the Pretensions exchange'd between him and *France* was, upon a Disparity that had happen'd between the Towns of *Holland*, upon the Instructions intended him for the Reglement of Commerce between *France* and them : That this had caused the Assembly of the States of *Holland* to continue together for some Days longer, and that before they were up, he hoped his Orders would be finished and sent him. He thereupon mentioned M. *Colbert's* coming to the *French* Army, which he said, had made so great a Noise, upon a Belief that so great a Minister, and so infirm of Body, would not be put upon such a Journey, but upon some extraordinary Occasion, that he himself thought it might be something relating to the Negotiation here ; but that whereas he found *Don Pedro* was jealous it might be in Order to a separate Treaty with this State, he for his Part thought it,

## Letters from the Embassy at Nimeguen. 79

It was upon some Express of *Don Juan's* to the Queen of France, in Order to some Measures between those two Crowns, which *Don Juan* finds necessary for his going on in the Settlement he is now upon, of the Affairs of that Monarchy, and that the Queen was unwilling to trust a Matter of that Moment, in any other Hand than *M. Colbert's*. remain ever, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

Nimeguen, 19th March, 1676-7.

Right Honourable SIR,

HAVING none from you to acknowledge, since our last of the 15th, and nothing having since occur'd here worth your Trouble, this will only serve to acquit ourselves of this Duty returning upon us with the Ordinary, and to continue the Professions of our being always, SIR, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

Nimeguen, 22d March, 1676-7.

Right Honourable SIR,

OUR last were a few Words only of the 19th; since which, we have received the Favour of yours of the 13th Current; but find no Occasion by it to enlarge your Trouble beyond that of our Acknowledgements.

IN our former of this Day sevensnight, we gave you an Account how the Emperor's Ambassadors had press'd us to give them in Writing, and under our Hands, that Answer which the *French* Ambassadors had made, in lieu of a Declaration or Explanation we had been desired to procure from them of *M. d'Estrades* Words to *M. Stradtsman's* Secretary, when he told him, *M. Stradtsman, avoit manque au Respect deu au Roy leur Maître.*

ON Saturday, to give us the better Grounds to press the *French* to consent, that we might put their Answer in Writing, they sent us the Extract enclosed, taken, as the Secretary told us, out of their *Protocoll*, that the Question being put into Writing, there might be the less Difficulty to put the Answer so too.

YESTERDAY having taken an Hour of the *French* Ambassadors, we acquainted them with what we had reported from them to the Emperor's Ambassadors, and the very Words of their Answer, as we had given it them *Vivâ Voce*. We acquainted them likewise with the Request they had made us, to give them that for the Answer of the *French* under our Hands: The Ambassadors having withdrawn for a little Moment, came and told us, they could not consent to any such Thing as the communicating their Answer by Writing. They allowed of the Report we had made of it, but added, that since in the Case between Count *Kinski* and them, about the Visit of Ceremony, the Mediators would not give his Answer in Writing, and his Consent to do it had been refused, and that such a Writing would be to no other

other End, but *pour aigrir les Maitres*, they did desire us to for<sup>ce</sup> putting it into Writing, and M. d' *Acoux* let fall the Word *protesta* his Reasoning upon it, as if they had refused us their Consent, with Kind of Protestation.

THE Business between them and Count *Kinski* having happen'd while I, Sir *William Temple*, was at the *Hague*, I, Sir *Leoline Jenkins*, (my Lord *Berkley* not being present) could not call to Mind that the *French* had at any Time desired, that any Answer that M. *Kinski* had intended them, and given to the Mediators, should be put into Writing; nor that we had refused it; nor that Count *Kinski* had desired us not to do it. The *French* Ambassadors had indeed, while the Affair of that Visit was in Treating, judged it a necessary Caution, upon an Apprehension that what had pass'd between M. *Heugh* and Count *Kinski* in their first Interviews, might be represented at Court to their Disadvantage, to have the Mediators to attest, (in Case any such Representation were made) that M. *Kinski* had always declared, that what had passed between him and M. *Heugh*, was to be understood to have been *en amitie & sans Conséquence*, and that no Notification had passed, nor no Visit had been made in Form so long before as might be pretended.

WE that were then upon the Place, thought this Precaution of the *French* to be very reasonable, and the rather, in that M. *Heugh* had given out, he had done all he had to do, in Point of visiting in Ceremony, upon the Visit he made M. *Kinski* the next Day after his Arrival: But on the other Side, we did not think it fair or safe for us to engage ourselves to give, in Case we should be thereafter called upon, a Declaration of the Account and Sense of M. *Kinski*, upon what had passed between him and M. *Heugh*, without first shewing him, what we were able, and meant to say from him, in Case we should be called upon, and without obtaining his Approbation to do it. There was therefore a Paper drawn, such as was agreeable to the Ends of the *French*, but M. *Kinski* liked it not, and would not allow us to make any Declaration in those Words, as not suiting with his Notions; but then he drew up Words of his own in the Form of a Letter; that Form the *French* liked not; and so the Business fell, and no Visit passed between them.

THIS Account we take leave to trouble you with, that it may not be misrepresented on that Side, for that we excused ourselves from giving any Declaration or Attestation in Writing; in Case we should be called upon, (a Fortnight or a Month after, as was propos'd) without first knowing the Words and Circumstances that M. *Kinski* would agree to, is very true; but as to any Question, about putting any Answer of his into Writing, I for my Part can remember nothing of it, tho' the *French* Ambassadors are pleas'd to charge it a little hard upon my Memory.

THIS Conversation with the *French* being over, we took an Hour of the Emperor's Ambassadors, to acquaint them, that the *French* had refused their Consent to the Proposal made of giving them the Answer of the *French* in Writing under our Hands: This we did together, with the Reasons and Arguments they had used to us. Hereupon the Emperor's Ambassadors made heavy Complaints, that, we would not resolve to do it, notwithstanding that the *French* had refused their Consent, urging us very much to that Piece of *Impartiality* (as they called it) which they had a Right to demand from us; and M. *Kinski* enlarged particularly to make it out, that nothing in the Case between him and the *French* Ambassadors was applicable to this, averring  
withal.

That, that his Consent had never been ask'd, for the putting of any Answer he had made to the Mediators in Writing. The Issue was, we repeated the Answer of the *French* to them, in the very same Words, as near as we were able, that we gave it them in at our former Conference, and M. *Kinski* writ it down, but we signed it not. He would at first have had a Notary, or a Secretary, called in, to take it in Writing; we excused ourselves, in that no such Person had hitherto intervened in any of our Negotiations; and we told him, we must take Leave to keep to the same Stile we had begun with, till it should please the Assembly, by a General Consent, to establish another, by Writing, or Secretaries, or any otherwise as they should please.

BUT these Ambassadors would not so dismiss this Matter, they would needs charge us with another Message to the *French*, which is this: That whereas they could draw no *Eclaircissement* from them by us upon this Matter, and whereas M. *d'Eftrades* told their Secretary, — *Que M. Stradtsman avoit manqué au Respect deu au Roy leur Maître*: — Whereas also M. *Stradtsman* could not imagine wherein that could be meant, unless it were, that having received their Visit the third in Order among the Crown'd Heads, (the Mediators not being herein comprehended) he had offer'd to return it in the same Order unto them; they now desire to know, whether this was the Point which M. *d'Eftrades* meant, and whether they pretended the first Visit in that Case to be due to their King.

IN yesterday's Conference, we delivered the *French* Ambassadors the Act of the *Dutch* Ambassadors, and the *Procez Verbal*, touching the Neutrality, Copies whereof we sent by the last Post. We have not been able to deliver this Message to the *French* Ambassadors, they having been Abroad this Morning.

YESTERDAY in the Evening the *Dutch* Ambassadors having taken an Hour of us, acquainted us how they found themselves brought into a great Embarrass with the *Brandenburgh* Ambassadors, upon the Offices they had appear'd in between those Ambassadors and us. They told us, how that the *Brandenburgh* Envoy in *England*, soliciting at Court to have a favourable Decision in the Pretension of the second Ambassador here, receives still for Answer, that his Majesty cannot come to any Resolution upon the main Question, till he be satisfied as to the Refusal those Ambassadors have made of his Majesty's Mediation, as also as to that they have declared, they could not come to negotiate in any third Place where we should intervene.

FOR the Refusal, the *Dutch* Ambassadors said, they hoped it appears by this Time to his Majesty they never meant it; and for third Places where we have come, they had been present at several Times, as their Affairs happen to require it; so that the only Thing which makes a Difficulty, and lies hardest at this Time upon them, the *Dutch* Ambassadors, is, what they have told us of third Places, in a Conference that they had with us on the 4th of *February*, N. S. as if they had by Orders from the *Brandenburghers* declared, they could not meet at a third Place where we were.

THEY were therefore now come, they said, to declare to us, they never had any such Orders from the *Brandenburghers*; that what they have said upon that Subject, was upon their own Heads only, and by Way of Argumentation and *Raisonnement*, they having been the Day before at an Assembly of the Allies, in which our coming among them to negotiate, and the Place and Rank that was to be assigned there, happened to be a Part of the Debate; but that there was nothing

## 82 *Letters from the Embassy at Nimeguen.*

therein (they breaking up in some Confusion) agreed upon, ordered them to deliver us by Way of Message from the *Brandenburg* Ambassadors; therefore they declaring themselves thus freely, desired our Offices to give a helping Hand in removing this Incident from off themselves, and also from the main Question.

THEN they produced a Letter, which they intended this Post for M. *Van Beuninghen*, in case we should find nothing to except against in what they write: The Letter being read over, we did not observe any Thing in it we could except against; they therein taking upon themselves to have said the Thing, but not to have done it by Order from the *Brandenburg* Ambassadors, which was a Point we could not be Judges of.

UPON the whole, we had no more to say to them, than that as we had represented what had fallen out from Time to Time in this Matter with Truth and Candor, so we should continue to do, and own they had communicated their Letter to us. We remain ever, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 26th Mar. 1677.*

*Right Honourable SIR,*

SINCE our last of the 22<sup>d</sup>, we have none from you to acknowledge. We then gave you an Account of a Message recommended to us by the *Imperial* Ambassadors, to be carried from them to the *French*, upon the Incident of M. *Stradtzman*'s Visit having been refused by them: But before we could perform this Message, the *Imperialists* sent us a Paper, wherein they had deduced it in Writing, which we send you here inclosed.

HEREUPON we thought it necessary, at our Conference with the *French* Ambassadors, to read the Paper to them, and not trust ourselves with delivering a Message, which we had received the Day before by Word of Mouth, and in another Language; but when we offered to read it to the *French* Ambassadors, after having told them upon what Occasion it was delivered us, they desired us earnestly not to take the Pains of reading it to them, since that was a Way hitherto unused in this Assembly, and which would be to no Purpose upon this Occasion, since they could add nothing to the Answer they had formerly given us upon it.

IN this Conference the *French* Ambassadors, upon a little Deduction I Sir *Leoline Jenkins* made to them, and upon Sight of the *Brouillon* of that Declaration they had demanded from us the Mediators, touching what had passed between M. *Heugh* and Count *Kinski*, did not find themselves so well founded in what we told you they had averr'd, and charged my Memory withal, in the last Conference, but were pleased to let it fall, and pass on to other Discourse.

UPON *Saturday* we acquainted the *Imperial* Ambassadors with this Answer, and they desired us we would give it them in Writing; we excused ourselves, as we had before resolved, the *French* having declared to us, that they could not consent we should begin this Custom, or give any Thing upon this Occasion in Writing, wherein both the Parties were concerned. Hereupon we fell into a very warm and long Debate with the *Imperial* Ambassadors, they press'd us to it upon the Necessity

sity of informing their Master and Posterity, in an authentick manner, of this Refusal made by the *French*, upon the Duty of our Mediatorship, when it was demanded of us by one of the Parties, in a Thing they thought so much concerned them, and in general upon the Practice of other Assemblies.

WE defended ourselves upon these Points, 1<sup>st</sup>, That, as Mediators, could do nothing wherein both Parties were concerned, at the Desire only of the one, and without the Consent of the other. 2<sup>dly</sup>, That we could not charge ourselves with delivering in Writing, what we had received only by Word of Mouth, without first communicating what we writ to the Party, and knowing whether they were his Words or not. 3<sup>dly</sup>, That it had never yet been practised in this Assembly. And last of all, That having search'd the best we could into the Practice of *Munster*, we could not find it had ever been done by the Mediators there: But, on the contrary, we produced several Passages in *Siri*, wherein the Mediators absolutely refused it, at the Request of one of the Parties, and without the Consent of the other. We added likewise, the Reason upon which it had hitherto been avoided in this Assembly, to have any Thing pass between any of the Parties, in any Writing of their own, because that must have engaged them in the mutual *Aigreurs* of their own Stile; whereas in this Intervention by the Mediators, the Things only were communicated, and the Sharpness of all Expressions was omitted. As to what they pressed upon us for Information of Posterity, we answer'd, that our Business was here, as we conceived, to make the Peace, and not to take Care of furnishing the *Protocols* of one Party or the other. After much Dispute, when they found they could gain no Ground upon us in this Matter, they contented themselves to repeat the Answer we had delivered them; and so ended a very long and troublesome Conference.

THE Day before, they sent us Word, that their new Powers were arriv'd, which we had acquainted the *French* Ambassadors with, and they last Night came and put their new Powers into our Hands, and desired we would make the Exchange with the several Allies, in Order as they had received theirs; so as we intend to-Morrow to begin this Office between the *Imperialists* and the *French*, and to acquaint the *Dutch* with it, believing they cannot fail of being before this Time possess'd likewise of their new Powers, tho' we have yet received no Notice of it: We something wonder to have heard nothing from them, neither of this nor the Reglement of Commerce, upon which they pretended to enter into Negotiation within very few Days after the Exchange of the several Pretensions: We find *Don Pedro de Ronquillo* is very jealous of something being in Treaty between the *French* and the *Dutch* upon this Subject, in some other Place; but M. *Colbert* tells us in Conversation, that the Reason of it is, some Difficulty still remaining upon it among the several Towns in *Holland*. We remain always, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 29th March, 1677**Right Honourable SIR,*

OUR last was of the 26th; since which, we have the Favour of yours of the 20th Current to acknowledge, and therein his Majesty's Directions, which we shall be very careful to observe, both in avoiding all that may be to meet the *Imperial* Ambassadors in *Third Places*, and, when that cannot be avoided, in not yielding them the *Place*.

WE humbly thank you for the early Advice you are pleased to give us, of the Incident of *Don Bernardo de Salinas*: We expect, according to the Judgment you are pleased to make of it, that it will make a great Noise, and in this Place especially. M. *Beverning*, in a Conference we had with him on *Tuesday*, would not own he knew any Thing of it, either from M. *Van Beuninghen*, or from the *Hague*. We took Occasion to represent the Thing truly and rightly to him, and shall do the like as Occasion serves.

OUR Business with the *Dutch* Ambassadors on *Tuesday*, was to acquaint them, that the *French* had put into our Hands their new Powers to treat with them the *Dutch*, and so those for the rest of the Allies. M. *Beverning* told us, he would send us their new Ones next Morning, which was yesterday, but did not. He gave us a Hint, that M. *Kinski* would design to have the Communication of these Powers made at one and the same Time to all the several Parties, but that he, for his Part, intended, and had Orders to manage this Concern of his Masters as he saw Cause, and not to tie himself to the Steps of M. *Kinski*.

YESTERDAY we acquainted the *Imperial* Ambassadors, how his Majesty had been pleas'd to renew his Offices towards the Most Christian King upon the Overture they and other of the Allies had made to us here, of the Extremities wherewith the *French* of late carry on the War: They said, they would be sure to make a just Representation to the Emperor, of his Majesty's Care and Concern in this particular.

WE acquainted them likewise, how we were possess'd of the new Powers, that the *French* Ambassadors had received from their Court, to treat with the several Allies, among which, there was one to treat with the *Imperial* Ambassadors, and thereupon we desired to know, in what Manner they desired this reciprocal Communication should be made between them and the *French*.

THEY told us, this was a Business that all the Allies were jointly concern'd in, and would be considered of as this Day in their Assembly, and that then we should hear further from them.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 2d April, 1677.**Right Honourable SIR,*

SINCE our last of the 29th past, we have none from you to acknowledge; and but little at present to trouble you with from hence.

UPON

UPON *Saturday* Count *Kinski* came to us, and told us, he had received a Letter from the Duke of *Lorain*, complaining that he was not yet allowed to send a Minister hither with the Character he intended, and which he could so evidently prove to have been frequently practised by his Ancestors, if he had the Archives of his House in his Possession: But that, however, having met with two Papers, which he thought made that Business clear, as to the Court of *France*; he had sent us Copies of them, desiring us to communicate them to the *French* Ambassadors, and to make new Instances upon them, for the Dispatch of that Affair. We send you enclosed the Copies of them; and Count *Kinski* pretended, that not only the Supercription of both the Letters made the Stile of Ambassador evident, but that the Treatment appeared to be so too, by those two Circumstances of defraying and sending the King's Coaches to receive the Marquiss *de Ville*.

YESTERDAY we received from the *Hague*, a Letter of M. *Muller*, the Duke of *Lunenburgh's* Minister there, inclosing the Pretensions of his Master, and excusing his not being able to come yet to the Congress. He sent us at the same Time his Master's Original Letter and Power to him, by which we are desired not only to receive their Pretensions without any further Legitimation of them, but likewise to communicate them to the *French* and *Swedish* Ambassadors. We send enclosed the Copies of all these Papers, tho' we have not yet had an Opportunity of communicating them to the *French* or *Swedish* Ambassadors, which we hope to do this Evening, and at the same Time Papers abovementioned from the Duke of *Lorain*.

WE have likewise received by M. *Spanheim* a sort of *Credential Letter* from the Prince Elector *Palatine*, which we send you likewise enclosed, but have advised M. *Spanheim* to procure a more formal Power, either to himself or the Emperor's Ambassadors, since he intends by their Hands that his Master's Pretensions shall be given us.

THE *Dutch* Ambassadors having sent their new Powers to us, we have this Morning, by our Secretaries, made the reciprocal Communication of them between the *French* and *Dutch* Ambassadors, to the end they might compare them with the Formularies of those Instruments first agreed on among the Parties, and whereof they have all authentick Copies remaining in their Hands. But the *Dutch* Ambassadors desired these Copies might likewise be authenticated by us, which shall accordingly be done for all the Parties.

ABOUT two Days since, M. *Heugh* went to *Wesel* to the Elector of *Brandenburgh*, who was then expected there, and this Morning M. *Beverning* went likewise out of Town, intending to pass some Days in *Holland*, both at his own House and the *Hague*. We remain always, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 5th April, 1677.*

Right Honourable SIR,

OUR last was of the 2d; since which, we have not the Favour of any from you to acknowledge.

ON *Tuesday* we communicated to the *French* Ambassadors the two Letters we sent you Copies of in our last, relating to the Duke of *Lo-*



## 86 *Letters from the Embassy at Nimeguen.*

*Lorain's* Pretensions, of sending *Ambassadors* to this Congress; they too the Papers from us, saying, they would transmit them to their Court; but the Contents of them seemed to go no great Way with these Ambassadors; only *M. d'Eftrades* allowed, that *to be fetch'd* with the King's Coaches, and *to be treated* for some Time at the King's Charges, is in the Court of *France* peculiar to *Ambassadors*, and never done to *Envoyées*, or other inferior Ministers. That which they thought requisite to make a compleat Proof, was to produce the substantial Pieces of an Embassy; the Letters of Credence and Recreance, *Pouvoirs*, &c. and in Answer to the Duke's Complaint, that he had not the Benefit of those Proofs, which the Archives of his House would probably furnish him with; *M. Colbert* reply'd, that such Pieces (if any such there be) are to be found among the Papers and Writings that such who have born the Employment have left behind them in their own Families, rather than in the Archives of the Prince.

IN this Conference, we acquainted them also with the Contents of the Letter we had received from *M. Muller*, and with the Method whereby he desired to bring the Dukes of *Lunenburgh* his Master's Pretensions into Negotiation here; telling them, how *M. Muller* had sent us inclosed in his Letter, the Propositions of those Dukes for *France* and *Sweden*, together with the Original Power or Procuration they had given to their Minister *M. Muller*; which several Papers we took leave to send you by our last.

THE Thing being thus opened to them, they took great Exception to *M. Muller's* Manner of Proceeding, alledging it to be altogether beside the Forms that are received here; they desired us not to give ourselves the Trouble of reading to them any of those Papers, as we had offered to do, telling us, it would be *inutile* (that was the Word they used) to do it. They observed to us, how they had some while since excused themselves to us, upon a like Overture we made to them, of introducing the Duke of *Lorain's* Pretensions by Letters only, without any Person authorized with a *Plenipouvoir*, to give them in, and treat upon them: That there was the same Reason they should excuse themselves in this Case: They added, that according to the Tenour of the Powers they have from the Most Christian King, they can treat with none but such as are *Ministres* (whether they be of the Parties principal, or of their Allies) *munis des Pouvoirs suffisantz*; in this Case there being neither Minister that appears, nor Powers in Form that is produced, they cannot treat, least of all with the Mediators, who, they were confident, would not take upon them to manage the Propositions of these Dukes, lest they should, in so doing, seem to depart from that Indifference and Impartiality they are obliged to in their Function. That supposing a Minister were come from those Dukes upon the Place, he cannot be admitted into the Negotiation, without first producing his Power in the Form agreed on, and received as common to all the Assembly, and that they must insist to have that Form kept too very close, else there will follow great Inconveniencies. This is the Turn that the Affair of the Dukes of *Lunenburgh* has taken, as *M. Muller* hath thought fit to order it.

WE asked them, whether the Passport of *France*, for the Deputies of *Hamburgh*, to pass to this Congress, were yet come to their Hands; they told us, they were not, but that they expected them every Day.

*M. Kinski*, in ordinary Conversation, told me, Sir *Leoline Jenkins*, on *Tuesday* last, that they (the *Imperial* Ambassadors) and the rest of the Allies; would expect *M. Heugh's* Return from *Wesel*, before they would

would communicate their new Powers, as the *Dutch* had done, and could be glad the Mediators, out of their Zeal and Prudence, would afterward, as soon as possible, take a Course, as of themselves, to invite and engage the several Parties to enter into Treaty, upon the Propositions and Pretensions that are now exchanged; for that he is very sure the Emperor his Master desires a Peace unfeignedly.

M. *Haren*, in the like Conversation a little before, told me, that M. *Colbert* had told him, they, the *French* Ambassadors, had a Prohibition not to enter into Matters with the *Spanish* Ambassadors upon their Propositions as they are now given in, they must be first moderated, else the *French*, as he said, will not treat; yet *Don Pedro* professes openly, as M. *de Haren* then told M. *Colbert*, he intends some Parts of his Proposition to the Mediators to bring in Temperaments upon, and does not mean to insist finally upon what he hath now demanded.

M. *de Haren*, in the same Conversation, told me a little before, he thought it was well known to the World, that they, the *Dutch*, might have a Peace whenever they pleased with *France*; but their Desire was, that the Peace should be *General*, answerable to the Design of this Assembly.

*Don Pedro Ronquillo* thinks the Treaty of Commerce between *France* and this State, is *sur le Tapis*, at this Time elsewhere, as he told me, Sir *Leoline Jenkins*, and not in the Hands of the Ministers here. He hears, he says, of other Propositions that pass between *France* and this State, but knows not the Contents of them, only that *France* offers to warrant the *Stadtholdership* to the Prince of *Orange*, in the same ample Manner he now holds it. We remain ever, SIR, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 9th April 1677.*

Right Honourable SIR,

SINCE our last of the 5th, we have received none from you, nor hath any Thing here occur'd worth your Trouble; so that we write this only to acquit ourselves of the Duty returning upon us with this Ordinary, and at the same Time to assure you of our being always, SIR, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 12th April 1677.*

Right Honourable SIR,

OUR last was a few Lines of the 9th, since which we have the Favour of yours of the 3d Current to acknowledge.

WE have not yet heard one Word of the Proceedings of M. *Gise*, the *Danish* Envoy on that Side: M. *Heugh*, that probably would have published any Thing that might have been sent him from that Envoy, having been this last fortnight out of Town, was not expected till late last Night from *Wesel*, whither he was gone.

YESTER-

YESTERDAY in the Evening, a Councillor of the Duke of *Holstein* brought us Letters from the Duke his Master, and gave us a very sad Relation of the Sufferings of that Prince: But having the Question put to him, how he pretended his Master's Affairs could be introduced into the Negotiation here of a General Peace? he did not appear to be so fully instructed; but rather to hope, that his Majesty, not as a General Mediator in this Assembly, but as a special Guarand of what had been agreed between the last King of *Denmark* and this Duke of *Holstein*, would employ his Authority, and compass his Ends in settling that Affair.

YESTERDAY in the Afternoon we had an Opportunity to perform with the *Swedish* Ambassadors, the same Offices in the Behalf of the Dukes of *Lunenburg*, and their Minister M. *Muller*, that we performed some Days since (as we have given you an Account of in our Letter of the 5<sup>th</sup> Current) towards the *French*. The Answer that the *Swedes* made us, was much of the same Tenor with that of the *French*: That the Way those Dukes had taken to bring their Pretensions into Debate, did not agree with that which had been hitherto the Practice of this Place; all the Persons that had been admitted as Parties, having first legitimated themselves by special Powers from those they appeared for: That putting the Case the Pretensions of those Dukes should be given in, and received as they are now offered from our Hands, yet nothing could be done upon them with Effect, without a Person, to whom Recourse might be had upon the Emergents, and who might withal answer for the Parties Principal; much less can any Thing be concluded without a Power in due Form, which yet must be the End of this and all other Negotiations. They told us, they had no other Counter-Pretensions to give in with Relation to those Dukes, (the King their Master having never had any the least *démêlé* with them) but the very same they have already given in to the *Imperial* Ambassadors, which are, in a Word, the Restitution of the Peace of *Westphalia* in all its Points.

WE took Occasion in this Conference to ask them, whether the Powers they had sent for about two Months ago into *Sweden*, were yet come to Hand, or at least that they had any News of them? They answered us, they had none: And asked again of us, whether we could give them any Hopes of that free Passage for Letters and Couriers, which they have so long, and with so much Reason, demanded; especially upon a new Project of a Way they had proposed, that was not above 10 or 12 Leagues through the Dominions of *Denmark*. We told them, (as we had once before) that his Majesty had sent that Proposition, with his Offices upon it, to the Court of *Denmark*; and that he had also renewed his Offices with *France*, for a Liberty less restrained than now it is, of Couriers into *Spain*, but that we could as yet tell them nothing of the Success.

ON *Tuesday* Night M. *Beverning* return'd hither. He says, he has got to himself full Instructions in the Journey he hath made, and might have got them a Month ago or sooner, had he then made his Journey: We shall hear from him, he says, as soon as he can get his Matters written out, and that it will be upon the Commerce. We remain ever, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 16th April 1677.*

*Right Honourable SIR,*

SINCE our last of the 12th, we have none from you to acknowledge, nor has any Thing material since occur'd here.

THE *French* Ambassadors complain of all their Letters, due by yesterday's Pacquet, having been either seized and torn, or carried away by a *Spanish* Party, which they are adviced of by the Post-messenger of *Liege*, and threaten Reprisals in the same kind.

M. *Heugh* is returned from *Wesel*, and the Elector gone back towards *Metin*: We have nothing further, but to wish you the good Feasts, and to assure you of our being always, SIR, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 19th April 1677.*

*Right Honourable SIR,*

OUR last was of the 16th, since which we have not the Favour of any from you to acknowledge.

ON *Tuesday* a Secretary from the *Brandenburgh* Ambassadors brought me, the Lord *Berkley*, the new Powers of his Masters to treat with *France* and *Sweden*, desiring that we would communicate them to the Ambassadors of those Crowns respectively, and procure to the *Brandenburghers* a Communication of theirs. He asked me likewise, and said it was by special Orders from his Masters, Whether we had received any Resolution from his Majesty, *touchant l'egal Traitement deu à leurs Excellences Messieurs les Ambassadeurs de sa Serenité Elektorale* (these were his Words)? To which I gave for Answer, that we had not received any Resolution from his Majesty upon that Question, observing to him withal, that it was now a busy Time at Court, and always used to be so, a Parliament sitting.

THE same Day, the *Dutch* Ambassadors having taken an Hour of us for a Conference, came to my House, the Lord *Berkley*, their Business was, to put into our Hands a Project for a Treaty of Commerce between them and *France*, and another between them and *Sweden*; they desired our Offices in handing them that very Day (if it might be without Inconvenience) to those Ambassadors, professing it to be very much their Desire to enter into Matter, without further Loss of Time. They acknowledged, that having in the Pretensions they had given in against both those Crowns, made a Regulation and a Treaty of Commerce to be part of their Demands, they ought to have brought in their Projects of it at the same Time, but that it had so fallen out, that they could not be then got ready; that they could not get full Instructions for these Projects, till M. *Beverning* lately made an Excursion into *Holland*; and that tho' some-time had passed since his Return, before they could do what they were now come to do, it was partly by Reason of the Holy-Days, and partly for that the Projects themselves had taken up some time to transcribe.

THEY desired us to excuse them, that they did not at the same Time bring us Copies of the Projects for our own Use; they had not

had Time, they said, to do it, but that they would have Copies written out for us very suddenly; they desiring us we would not detain these in our Hands so long as Copies of them would be written out; in Regard they intended to send to the several Ambassadors, to demand Conferences upon them, as soon as they could understand they had been lodged in their Hands, for a Time competent for them to peruse them.

HOWEVER, we thought a Treaty of Commerce between these two Nations, to be of that Consequence in his Majesty's Consideration, that we made a Shift to get a Transcript made of the Project intended for *France* before we parted with it, which we did the same Evening, and delivered it afterwards to the *French*; the Copy goes herewith inclosed. All Hands being employed to take this Copy, we could not possibly get one transcribed of the Project to the *Swedes*, and we were the less solicitous about it, because the *Dutch* Ambassadors had assured us, the Project for the *Swedes* was the same with that for *France*, only that for *Sweden* was in *Latin*, and some Conditions not applicable to that Nation (as that about the *Droit d'aubaine*, &c.) were omitted in the *Latin*. They added, that the Treaty of Commerce lately made since the War between them and *Sweden*, did not render this the less necessary, in Regard that Treaty was but provisional, and to last no longer than the War; nor was this Treaty intended to take Place till that was expired, by making the Peace.

HAVING performed our Offices with the *French* and *Swedes* the same Evening, I Sir *Leoline Jenkins* acquainted the *Dutch* Ambassadors with it yesterday Morning; they told me, that the *French* being now possess'd of those Projects, they, the *Dutch*, would send to them this Day to demand a Conference, and by that Means put them to it to try, whether they would treat or not.

M. *de Haren* seemed to be of Opinion, there was little Likelihood that either of the adverse Parties would enter into Matter upon these Projects, before they had first communicated them to their Courts: M. *Beverning* added, it was not to be hoped the *Swedes* would do it without express Orders from theirs; and that he, upon that Consideration, had some five Days ago sent them their Project, having understood they were then upon dispatching an Express to the King their Master, by a Ship that was to set Sail from *Amsterdam*; and that the Project which they, the *Dutch*, had left with us, was but for Form Sake, to be handed over, the *Swedes* being possess'd of it already; which we humbly take Leave to observe, as another Instance of that Intercourse that they have managed now of a long Time between themselves, without the Intervention of the Mediators.

THESE Ambassadors entring into some Discourse about the Surrendry of *Cambray*, M. *Beverning* expressed himself in these Words, or to the very same Effect: — *Messieurs les Espagnols sont si mal leurs affaires, qu'ils seroient bien de se mettre en tutelle, & de nous donner les places qui leur restent à garder; nous y mettrions du mende & ne manqueroions pas de les bien garder pour eux.* He said further, the Conditions that *Spain* might have had two Years ago, were much better than those they might have had last Year; and those of last Year better than those they may have this Year; but that if they stay another Year, there will be nothing left them; the Most Christian King now giving out, that he doubts not but in one Year more, he will take from them All they have remaining in the *Netherlands*.

THIS was the Discourse M. *Beverning* held to me, in the Presence of his Colleague, I shall crave Leave to add to it [what he was pleased to say on the same Subject, in a particular Visit he gave me on *Monday*; it was, that the *French* were at this Time so high, that there was no talking to them of a Peace, nor Hopes to have it upon reasonable Terms, and that for four Reasons, which he gave me in this Order: 1. For the late Successes of their Arms. 2. For that they have nothing to apprehend *du Côté de l'Angleterre*. 3. For that there will be a Breach between *Poland* and some of the Allies. 4. For that *Don Juan* would be glad to make a Peace at any rate, and that he hath opened himself to the Pope's Nuncio to that Effect. Then resuming again the Article of *England*, he said, it was most certain that the Most Christian King hath not long since said in Discourses, that he was sure, that tho' the *Spanish Netherlands* were to be wholly lost, yet *England* would not arm one Man of War to oppose it.] in *Cypher*.

ON *Tuesday* we acquainted the *Swedish* Ambassadors, that the *Brandenburghers* had sent us their new Powers to treat with them; their Answer was, that they could say nothing to it, their new Powers from *Sweden* being not yet come. We remain always, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 23<sup>th</sup> April, 1677*

Right Honourable SIR,

SINCE our last of the 19<sup>th</sup>, we have none from you to acknowledge.

UPON *Friday*, the *Danish* Ambassador sent his new Powers into our Hands, desiring it might be exchanged with those of the *French*; so as the *Imperialists* and *Spanish* only now remain, the last whereof are expected by next *Spanish* Post, and Count *Kinski*, we suppose, attends only their Arrival, to make the Exchange of his.

UPON *Friday* and *Saturday*, the *Dutch* Ambassadors had two long Conferences with the *French* and *Swedes*, upon the Subject of the Regulation of Commerce; we have no formal Account given us from either Side of what passed between them upon this Occasion; but in ordinary Conversation the *French* tell us, that they look upon it as an *Amusement*, and that it is to begin the Treaty where it should end: That before the main Points are agreed upon between the Parties, this can signify nothing, and that all Matters of Commerce have been only *les Suites d'un Traité*. Besides, they say, the Articles offered them by the *Dutch* in this Matter itself are unreasonable; that they are grounded chiefly upon the Treaty of 1662, by which the *French* take themselves to be aggrieved; and yet the *Dutch*, not content with that itself, have extended these in some Points to the Treaty of 34: That they pretend to take away from the King their Master, the Liberty of laying what Impositions he thinks fit upon Foreign Commodities, which ought to be regulated only by the Interests and Necessities of his Crown. In short, they talk very slightly of all that has passed between them upon this Subject, and as a Thing that cannot draw to any Consequence.

THE *Dutch* Ambassadors tell us, *Que le tout a passé fort bonnêtement*: That the *French* at first asked them positively, Whether they

would treat a separate Peace, or no? and told them, in that Case, they might find the King their Master much easier in these Points of Commerce: That they (the *Dutch*) had replied, they could not *sortir de leurs Obligations aux Alliez*; but that their meaning was, when those few Points in Difference between *France* and them, were once agreed; then to press the Allies in what concerned their respective Interests, and to speak plainly to them, in what they conceived reasonable or unreasonable in their several Pretensions: That hereupon the *French* discoursed over several Parts of the Articles offer'd them, finding some Difficulties both in those of *Commerce*, and that concerning the *Principality of Orange*, because, they said, the Bent of all Treaties were either to adjust Matters between the Parties upon the present Foot, or at most, to restore them to the State they were in when the War began; whereas, the *Dutch* Pretensions reacht further in both those Points: That however their Answer was upon the whole, that the *Dutch* having had so many Months Time to digest those Propositions, they the *French* ought to have a Fortnight at least, to make their Reflexions upon them. That to this End, they would first make their own Remarks, and then transmit them to their Court.

UPON *Saturday* Afternoon, the *French* Ambassadors came formally, and put into our Hands the Copy of a Letter from the King their Master to his Majesty, whereof we send you a Transcript enclosed: They did not desire us to communicate it to the Allies, but yet seemed to intend it, saying, that their Master had resolved, upon his Enemies giving out, that his Designs were to make the entire Conquest of *Flanders*, to let the World see by this Letter, that he was content to pursue it no further; and by a *long Truce*, to leave Things in the State they were in at present, at least as to what concerns themselves, since they could not tell what the Intentions of the *Swedens* would be upon it; their Ambassadors here having excused themselves upon the Want of Communication with their Court.

WE found the same Evening, that M. *Becorning* had been acquainted with this Letter before us, but that he was not of Opinion, it could have any Effect. He said, the *French* were to be extremely commended, that they never neglected any Thing either of Importance, or of *Amusement*, that could conduce to their Affairs: That this Offer might amuse some ignorant People with the Fairness of their Intentions, but that there was no understanding Man who did not easily see to the Bottom of it. He said in the first Place, *ils ont fait leur coup & veulent empêcher le nôtre*; but that since they, the Allies, had begun the Campaign so ill, they had as good see the End of it; that if the *French* intended any Thing fair by the Offer of a *Truce*, they should at least have made it in *January* last, and that, having not possess'd themselves of all the Frontiers of *Flanders*, they had a great deal of Reason to desire it; because in two or three Years Time, all they had gained either in *Flanders* or *Sicily*, would grow to be as much *French* as *Picardy* or *Languedoc*; and when the Force of the present Alliance was once broken, it would be easy to make an End of the rest at any Time, in one Campaign. He confess'd the *Dutch* had no great Interest against the *Truce*, as the *French* had a great deal for it; but that he did not believe the Allies of either Side could consent to it, and perhaps the *Swede* as little as the *Spaniard*, who were very sensible of their ill Usage from *France*, but know not how to help themselves. That he saw plainly, the *French* Hopes were, to separate them, the *Dutch*, from their Confederates, but that they might be deceived,

*Letters from the Embassy at Nimeguen.* 93

ceived in that Design; for tho' the People generally in *Holland* were bent upon a Peace, let it be one Way or other, yet all wise Men amongst them saw, they could not make one separately without falling at the same Time into a Subjection to *France*. We remain always, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 26th April, 1677.*

*Right Honourable SIR,*

OUR last was of the 23<sup>d</sup>; since which, we have the Favour of yours of the 17<sup>th</sup> Current to acknowledge, and therein the Care you are pleased to have of us, in designing to bestow some of your Leisure Hours, during this Recess, to look over what hath come from us to your Hands, since the Business of Parliament hath taken up so much of your Time and Applications. We are likewise to acknowledge with all Thanks, that we have had the Journals of both Houses sent us constantly from your Office, as you have been pleased to direct.

ON *Tuesday* in the Afternoon, the new Powers of the *French* and the *Dane* were communicated, and Copies of them interchanged by our Secretaries. *M. Heugh* thought fit, before we ordered it to be done, to demand of us, that either at the Communication, (in Case we should make it ourselves) or else at any Conference we should have with the *French* Ambassadors, we should let them know, that notwithstanding the King his Master hath at this Time, not finally stood upon having the *French* Powers in *Latin*, or else his own admitted into *Danish*; yet his meaning was, that this Step of his should be *sans Consequence*; and that if this be urged against the *Dane* upon any other Occasion in future Times, it may be replied, that what was now done, was with an express Caution, that it should not be drawn into Consequence.

YESTERDAY the Secretary of the *Imperial* Embassy, brought us the Emperor's new Powers to his Ambassadors, to treat with *France* and *Sweden*. Upon the Delivery of them, he expressed himself in a formal Message to this Effect: — That the Ambassadors his Masters had sent us their new Powers to be communicated (with Copies to be interchang'd) with the adverse Parties, desiring our Offices in doing it after the Manner accustomed: That his Masters, tho' they did pray our Offices in this, yet they desired to be understood with a Reserve, to apply themselves upon the like Occasions to the Ministers, that the *Pope*, or the Republick of *Venice*, should employ as Mediators on their Parts in the Negotiation here; for that the Mediation of the *Pope*, and of that Republick, is likewise accepted of by his *Imperial* Majesty: And then, together with the Powers, he delivered a Letter, which, he said, the Ambassadors had written to us to that Effect, the Copy of it we take leave to enclose herewith.

• WE do not find that the *Dutch* have had since our last any Conferences with the *French* or *Swedes*, upon their Project about the Commerce. *M. de Haren* went on *Monday* last for *Frizeland*; *M. Beverning* says, he expects his Return in ten Days. He tells us, there is a House now fitting here for the Nuncio; and that since the Nuncio will not content himself with an *Escorte*, (the States having offer'd that one should



## 94 *Letters from the Embassy at Nimeguen.*

should attend him as soon as he should come within their Territories) but will have their Passport too, he thinks the States may be well induced to gratify him in that likewise; and the rather, in that there is a Precedent in their own Registers, of having granted their Passport to the Nuncio that was at *Munster*, and that this Nuncio will not insist to have any other Title given him, but that of *Monsieur Bevilacqua, Patriarche d' Alexandria, nonce du Pape*.

He tells us further, that the States his Masters have long since accepted of the Mediation of *Venice*; but we have not yet been able to inform ourselves, whether all the Parties here do own to have accepted the Mediation of that Republick, as 'tis insinuated by the *Imperial Ambassadors* they have.

He asked us yesterday in an ordinary Conversation, whether we had given any Copies of the Letter (dated the  $\frac{22}{d}$  of *April*) which the Most Christian King hath lately written to his Majesty from *Torouanne*, and being told we had not, and that we had not yet heard any Thing of any such Letter from Court, he recollected himself, and said, he was in no Hast for the Copy, having seen the Letter. We remain always, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 30th April, 1677.*

*Right Honourable Sir,*

OUR last was of the 26th; since which, we have none from you to acknowledge.

THE same Evening, we received a Message from all the Ministers of the Allies, signifying to us, that their several Answers to the *French* and *Swedish* Ambassadors Pretensions were ready in their Hands, and that in Case those of the *French* and *Swedish* Ambassadors were likewise ready in theirs, they, the Allies, should put in their Answers into our Hands, upon any Day we should think fit to appoint for the Exchange to be made between the Parties. They likewise desired to know, whether we had yet received from the *French* Ambassadors their *Contre-Pretensions* against the Duke of *Lorain*.

WE answer'd as to the first, that we had not yet heard either from the *French* or *Swedish* Ambassadors, of any Answer to the Pretensions of the Allies being ready in their Hands, or intended to be put into ours: And as to the second, that we suppos'd the Allies might remember the Occasion, upon which the *French* Pretensions against *Lorain* were delayed, which was, for Want of a Minister here sufficiently authorized from that Duke.

THE Secretary who brought us the Message from the Allies, desired that we would communicate to the *French* and *Swedish* Ambassadors what he had imparted to us concerning the Allies being ready to put their Answers into our Hands. And as to the Duke of *Lorain*, he said, tho' the Allies remember the Difficulties we had mentioned, yet they desired we would again repeat that Demand.

UPON *Friday* we communicated this to the *French* Ambassadors, whose Answer, as to what concern'd the Duke of *Lorain*, was the same it had been at first, that they could make no Pace in that Affair, till they saw some Person here, *muni des pouvoirs suffisants*, with whom

whom they might treat. As to the Message we had received from the Allies, concerning the Answers to the several Pretensions, they said, that upon their Resolution taken to deliver in their first Pretensions in Writing, they had then told us, that they intended to make that Pace no more, as being a Way they conceived not conducing to the Peace, but likely to draw out the Treaty into great Length of Writing on both Sides, and thereby into new Sharpnesses between the Parties; that they still persisted in this Resolution, and should not give any Answer in Writing to the Pretensions of the Allies; but whenever the Allies should do it, let it be in which Way they pleased, either by Writing or Discourses to us, they should be ready to receive it, and should at the same Time deliver their Answers to us by Word of Mouth, and pursue the same Course in the rest of the Treaty; or else by Conferences between the Parties, if that could be agreed on.

WE told them, that we doubted there would be a Difficulty who should begin, if one of the Parties resolved to proceed by Writing, and the other by Discourses, since both could not be made to us at the same Time to the several Parties.

TO this they replied, that to prevent this Difficulty, they were content we should by Advance, be possess'd of all the Answer they could give to the Pretensions of the several Allies, until they saw the Answers which they now intended: That as to the Emperor, *Denmark*, and *Brandenburgh*, they still insisted upon the Treaty of *Westphalia*: That as to *Spain*, they would make no Reply at all, until they thought fit to advance more reasonable Pretensions than their first had been: That as to the States, they must say the same, as to that Part of them which concerned the Prince of *Orange*, which they conceived likewise to be out of all Reason, by pretending to reduce the Affairs of that Principality to another State than what they were in before the War: That as to the rest which concerned the States themselves, they consisted chiefly in their Propositions about a Reglement of Commerce, which they, the *French* Ambassadors, had received from the *Dutch*, and transmitted to their Court, with their own Observations upon them, from whence they expected an Answer in a short Time.

THIS, they said, was in short all the Answer they could give to the Pretensions of the Allies, and they were contented we should know it by Advance, and communicate it to them whenever they should think fit to put their Answers into our Hands.

UPON Communication of the same Message to the *Swedish* Ambassadors, they said no more, but that they supposed this had been concerted among the Allies, and that they thought it necessary to concert with theirs, (the *French* Ambassadors) before they gave us any Answer upon it.

THE *French* Ambassadors, upon Notice of the *Imperialists* having sent us their new Powers, in Order to an Exchange between the Parties, desired a private Communication of them before the Exchange were made, to the End they might be satisfied, whether the Emperor had in them given the Stile which was due to the King their Master.

WE excused ourselves, as conceiving it a Thing unequal, that such Communications should be made to one and not to the other: But we offered to propose it to the *Imperial* Ambassadors, that it might be done on both Sides at the same Time, which we did accordingly, and found the *Imperialists* contented with it; so as Copies were sent on both Sides without the Originals, or any Authentication of them. But we have not yet heard whether they are approved, tho' we do not see the *French* Ambassa-

Ambassadors can have any Occasion of Exception against the Stile given by the Emperor.

WE send you inclosed the Copies of them, wherein we could not but observe, that the Stile of *Serenissimi & Potentissimi*, is given both to the *French* and *Swedish* Kings; whereas that of *Serenissimi* only is given to his Majesty, in the Mention there made of his Mediation. We suppose the Stiles are usually given according to formal Agreements between the Crowns, and therefore do not know what Reflexion his Majesty may think fit to make upon this Difference, but thought it however our Duty to observe it to you.

IN the same Conference with the *Imperial* Ambassadors, we took Occasion to tell them, that we had received the Letter from them, which we sent you a Copy of in our last, concerning their Master's Intention of admitting the Pope and *Venetian* Mediations; and that we supposed they did not expect any other Answer from us, than only the Assurance of our having received it, and having transmitted a Copy of it to his Majesty. They told us, that they meant it only as a Declaration of their Master's Intention in that Matter, tho' they knew both his Majesty and the Parties were already acquainted with it.

WE found by them in the same Conference, that they expected we should return our Answer to the Body of the Allies, upon the Message we had received from them, about the Answers to the Pretensions of *France* and *Sweden* being ready in their Hands: But we since perceive, by some Discourses of M. *Beccerning's*, that there had been a great deal of Difficulty among them, in agreeing upon that Message; the *Imperialists* contending, that both these Answers, and all other Paces in the Treaty, should be made at the same Time, and by common Concert, among all the Allies; and he, M. *Beccerning*, maintaining there was no such Obligation among them, but that every one might pursue his own Negotiation at such Times, and in such Manner, as he thought fit, provided he communicated to the Allies all the Paces he should make, and concluded not the Treaty without their Consent. He said, that he had told Count *Kinski* plainly, he had no Answer to make upon the *French* Pretensions, which contained nothing else as to the States his Masters, but a kind of a Complement, of the Most Christian King's being willing to return into Friendship with them, and to hearken to their Propositions about a Reglement of Commerce: That he had since proposed to the *French* Ambassadors, what the States desired upon that Subject, and had a long Conference with them upon it, from whom he now expected an Answer; and therefore did not know how he could join with the Allies in giving any formal Answer to the *French* Pretensions: That however, he had been content the Message should go in all their Names, and not to divide from his Allies upon such a Point as that, tho' he seemed much unsatisfied with Count *Kinski's* pretending to arrogate to himself a kind of Superiority in the Management of all their Affairs, and to oblige the Allies to make the same Paces with him in the whole Course of the Treaty; and for his Part, he said, he was indifferent whether we returned an Answer of the Message to the whole Body of the Allies, or to each of the Ministers in particular. We told him, we should find some Difficulty in both; as to the latter, because we had no Intercourse with the *Brandenburgh* Ambassadors; and as to the first, because we found Count *Kinski* made a Difficulty of yielding the Place to us formerly in a third Place, where the Meeting of the Allies was sometimes appointed. He agreed with us in complaining of this Punctiliousness in  
Count

Count *Kinski*, but left the Thing to take its Fortune, or to be governed by us, as we thought fit, when we should receive an Answer from the *French* and *Swedish* Ambassadors. We remain always, &c.

*J. Berkley.  
W. Temple.  
L. Jenkins.*

*Nimeguen, 3 d May, 1677.*

*Right Honourable SIR,*

**O**UR last was of the 30<sup>th</sup> past, since which we have the Favour of yours of the 24<sup>th</sup> of *April* to acknowledge; and we humbly thank you, for that in it you are pleased to let us know the true State wherein the Duke of *Holstein's* Affairs do stand at this Time, as to the Interposition and Offices that may be expected from his Majesty; for the Counsellor of that Duke hath made Mention to us at large of his Majesty's Guaranty, and told us, that the Duke hath since waved the Pretensions he may have to his Majesty's Favour and Support as Guarand, and did throw himself wholly upon his Offices, to compose those Differences *à l'amicable*.

IN ours of the 26<sup>th</sup> past, we gave you an Account, how that M. *Heugh* had desired us, to let the *French* Ambassadors know, either at the Time his new Powers should be communicated to them, or at any other Conference that we should have with them, that the King his Master pretended it should be *sans consequence*, that he insisted not at this Time to have the *French* Powers to treat with the *Dane* penn'd in the *Latin* Tongue, or else his own Powers admitted in the *Danish*.

ON *Friday* we acquainted the *French* with this Pretension of M. *Heugh*, they stormed very much against it, as a kind of Protestation intended to be thus insinuated; they said, they would hear no more of it, not especially from the Mediators; that they understood the Communication of his Powers to have been made purely and simply without Reserve; and that they had the more Reason to declare against it, for that this very Thing had been proposed as an Expedient, when this Point came first in Debate; and that they, the *French*, did then absolutely refuse to give Way to it, being then resolved, as they are still, not to treat at all, rather than to admit of such a Protestation, or to change their Language into *Latin*, or else to treat upon his Powers in the *Danish*.

ON *Monday* Evening we acquainted M. *Heugh* with this Answer of the *French* Ambassadors: He told us, he did in a Manner expect to receive some such Answer, and therefore it was, that he did not desire the Thing to be moved to them, till the Communication was over, lest it bring an *Accrochement* upon it; however, that he had had his End in some Measure, for that his Master may, at another Time and Place, insist upon this Pretension again; and if it happen that the Example of this Treaty be alledged against him, he will be able to say, that there was a Protestation insinuated at this Time, and for Proof of it Recourse may be had to the Testimony of the Mediators; yet that which Way soever the Thing be taken in future Ages, it can be no great Prejudice, he said, to *Denmark*, in Regard that *England* hath not in the like Case insisted upon it, but hath given *Latin* Powers, while those of *France* were in *French*; adding, that it was very well

known, that the Crown of *England* did not in the least yield to that of *France*, in any Point of Prerogative.

IN our last we acquainted you, that we had carried the same Message to the *Swedes* Ambassadors, as we had done to the *French*, from the Body of the Allies, touching their being ready with their Answers upon the first Pretensions of *France* and *Sweden*; and that all the Answer we had then from the *Swedes* was, that as the Allies had concerted the Message we were charged with, by a common Deliberation among themselves, so they, the *Swedes*, reserv'd themselves, as to the giving any Answer, till they had spoken with the *French*.

ON *Tuesday* they took an Hour of us, and gave us their Answer to this Effect: That they, for their Parts, had no Difficulty to put their Answer in Writing to the Pretensions of the Allies against the Crown of *Sweden*: But that the *French* Ambassadors having precise Orders from their Court, not to engage any further in Writing, they were so far moved with the Reasons given for those Orders, that they thought it their wisest Course to forbear Writing likewise; hoping thereby, that those great Lengths and frequent Sharpnesses, that are incident to Writing, would be avoided, and a quicker Dispatch given to the Treaty by Conferences, and the frequent intervening of the Mediators; only they reserv'd to themselves, that if the Allies should happen to put any Thing into their Writings to justify the War, then it might be free for them to reply in Writing; nor did they go so far with us in this Conference, as the *French* had done in theirs; by leaving with us the Answer they intended should be given by Word of Mouth upon the Pretensions of the several Allies, they, the *Swedes*, expecting first to know what Resolution the Allies will come to, when they find that neither the *French* nor the *Swedes* will answer in Writing.

BEING thus possessed of the several Answers of the *French* and *Swedes*, our next Care was to communicate them to the Body of the Allies, (as M. *Kinski* had told us it was desired) so as not to do ourselves any Prejudice, either by interfering with the *Imperialists* in a 3<sup>d</sup> Place, or by going beyond our Commission with the *Brandenburghers*. Therefore on *Tuesday* Evening I Sir *William Temple*, in a Visit I gave Count *Kinski*, discoursed the Difficulty between us and him to the full, and at last we came to that Conclusion between us two, as that I was satisfied, that either the Point would be yielded us, which I found him not very averse from, (the Allies having endeavoured to bring the *Imperialists* to it) or else that the Conference should be assigned in his House, where we should be put to no Difficulty about the Rank.

WE therefore thinking it best to give him the most Time we could, to consider and advise upon the Point, did not demand a Conference with him and the rest of the Allies, till yesterday in the Evening: Whereupon he sent his Secretary to tell us, he and the Allies would give us a Meeting this Morning at 11, (not at any of their Houses as it hath been hitherto, but) at the Publick Place of Meeting, which they took up some while since, being the Place where the Nobles of *Guelderland* have their Assemblies adjoining to the Stadthouse.

AT our Hour we went to the Place, and having gone to the *Basse-Cour* in our Coach, we found at the outer Door of the Antichamber to the Room for Conferences, M. *Kinski*, M. *Heugh*, and M. *Beverning* (deputed as we have been told by the whole Alliance) to receive us.

IN the inner Room we found Chairs without Arms set for all the Company Circle-wise; I the Lord *Berkley* went up towards the Fire,  
and

and took the uppermost Chair, with my Back to the Middle of the Chimney, Sir *William Temple* took that on my Right Hand, and Sir *Leoline Jenkins* that on my Left; the rest of the Company after us took up their Seats, but seem'd in doing it to affect a kind of Confusion, yet without any Ceremony or Difficulty between themselves: Messieurs *Kinski*, *Stradtsman*, *Ronquillo*, and *Blaspiel*, sat (in that Order) below Sir *W. Temple* at his Right Hand, in a kind of a Semi-Circle, on that Side that was furthest off the Door: Messieurs *Beverning*, *Somnitz*, and *Heugh*, made the other Semi-Circle (in that Order) below Sir *L. Jenkins* on his Left Hand, on that Side that was nearest the Door; and M. *Christine* sat the lowest in the Circle, right over-against me the Lord *Berkley*.

AFTER that we had given them an Account of the Answer that the *French* and *Swedes* had made us, upon the Overture we had made them from the whole Alliance, M. *Kinski* spoke for all, and first he gave us Thanks for the Pains we had taken, in passing our Offices between them and their adverse Parties, in the Matter recommended to us; next he took upon him to make a special Acknowledgment, (*reconnoissance* was his Word) for that we had taken the Pains, *de porter dans leur hofel qui est propre au Corps de l'Alliance*, the Answer that we had been charg'd with; and in the last Place, he said, that they had nothing at present to reply, but would deliberate upon the Matter among themselves, and then we should hear from them.

THUS this Conference, as to the Subject-Matter of it, was quickly over, and after some few Words of Familiarity between us and them, as we were rising up to go out, the same three Persons, M. *Kinski*, *Heugh*, and *Beverning*, reconducted us to the outer Door of the Antichamber where they had receiv'd us, and where our Coach stood.

WE take Leave now to inclose the Copy of a Letter we had the Honour to write to his Highness the Prince Elector *Palatine*, in Answer to one from him, whereof we sent you a Copy some while since. We beg your Pardon that this does not come sooner, and remain always,  
SIR, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 7th May 1677.*

*Right Honourable SIR,*

SINCE our last of the 3<sup>d</sup>, we have received the Favour of one from you of the 1<sup>st</sup> Current, with an enclosed Copy of the Elector of *Brandenburgh's* Letter to the King, in Pursuit of his Ambassadors Pretensions; and cannot but observe, how much the Stile of it agrees with their Carriage here, but will hope they are better informed in what they alledge to have passed at *Munster*, than their Master is, in what he affirms to have passed in this Congress; wherein we may say, without ill Manners, that either we are very ignorant, or his Highness is very much mistaken; for having been the first that entred the Lists with his Ambassadors, we could neither follow the Examples of his Enemies, nor take Notice of the Honours done here by his Friends, nor had we the least Part in desiring he should treat under other *Ensigns* (as he calls it), tho' as great Princes are content

## 106 *Letters from the Embassy at Nimeguen.*

to do so, and M. *Spanheim* tells us, the Prince Elector *Palatine* resolves to go that Way upon Choice.

IN our last, we gave you an Account of our Conference with the Allies, in their publick Place of Meeting, upon the Subject of the *French* and *Swedish* Ambassadors, refusing to give in their Answers in Writing. The next Day being *Friday*, we gave an Hour, which was desired of us by Count *Kinski*, M. *Heugh* and M. *Beverning*, as deputed to us, from the Body of the Allies. They told us, that having considered of the Resolution of their adverse Parties, and how much it imported, that in such a Pace as this, which was to be the Ground of the Treaty, the Answers should be certain, and not subjected to the Mistakes that might happen by a Report, wherein the Omission, Addition, or Change of one Word, might sometimes alter the Sense of a material Point: They desired us, to find out and propose some Expedient in the Case; we told them, we could think of no other, but either pursuing the Treaty by Conferences between the Parties, wherein we were ready to assist, if they could agree upon the Manner of them; or else that each Party, upon their Discourses to us, should be content to let us draw up in Writing upon the Place, the Substance of it, read it first to them, and if they approv'd it, then communicate it in the same Manner to the adverse Party.

THEY judged the first to be attended with too many Difficulties to be thought of, but approved the latter in the following Paces of the Treaty, if the Parties should consent; only they said, that for their present Answers, they were resolved to give them us in Writing, the whole Negotiation being to turn upon them.

THEY desired to know, whether we had any Orders from his Majesty upon the Pretensions of the *Brandenburgher's* Ambassadors, and that we would renew their Instances in that Affair to the *French* and *Swedish* Ambassadors, to the End there might remain no Difficulty in the Interviews between them. We promised this last, and assured them to be as yet wholly without Orders from his Majesty, who had been of late so much taken up with the Session of Parliament.

THE next Morning, we acquainted the *French* Ambassadors with what had passed in this Conference; they seemed still resolved, not to give their Answers in Writing, but satisfied with our Proposal of drawing up the Substance of what should on each Side be discoursed to us, and communicating it so to the adverse Party, since by those Means, we might leave out any Sharpness which might fall from any of them, as well as by the Way of Report, in what should pass between them. But upon the whole, they refer'd themselves for giving us their Resolution, till they should have first conferred with their Allies, the *Swedes*. Only they seemed much unsatisfied with the Resolution of the Allies, to make their first Answers in Writing, which they said, could be designed only for the making of *Manifesto's* upon this Occasion.

IN the Afternoon we spoke with the *Swedish* Ambassadors upon the same Subject, and found them clear in the Point; not only contented with our Expedient in the following Paces of the Treaty, but likewise consenting to use it in these first Answers, tho' the Allies should give them in Writing; they only reserved to themselves, the Liberty of replying in Writing, in Case the Answers of the Allies contained any Thing of Justifications which should make it necessary.

As to the *Brandenburgh* Pretensions, the *French* answer'd, they had Orders to admit of no Innovation, in what had been the Stile hitherto used

used between the King their Master and the Electors, and which at least all other Electors, had been content to receive both at *Munster*, *Nuremberg*, and *Frankfort*; that if the Elector of *Brandenburgh* pretended more than the rest, as *Duke of Prusse*, they would not upon that Regard, give his Ministers, as much as the Stile of Ambassadors.

THE *Swedes* said, they had represented the Allegation of the *Brandenburgh* Ambassadors to their Court, but had received no Answer by Reason of the Difficulty in the Passage of their Letters, and that without new Orders, they could change nothing of what had been the Stile observed at *Munster*.

M. *Spanheim* took Occasion some Days since, to mention to Mr. *Chudleigh* some Exceptions the Prince his Master took at the Stile of our Letter, whereof we sent you a Copy, pretending the Appellation should have been *Serenissime Princeps, Elector & Domine*, &c. that the Treatment in the third Person, should have been *Serénitas Electoralis*, instead of *Celsitudo Electoralis*, and sent us a Letter from the *Swedish* Ambassadors at *Cologne* in that Stile. We thought fit Mr. *Chudleigh* should answer him, that we had been wholly unvers'd in the *Latin* Stile used by his Majesty's Ambassadors to Electors; that for this Reason we had put an open Copy of our Letter at the same Time into M. *Spanheim*'s Hands, and if he had found any Exception to it, should have endeavoured his Highness's Satisfaction, as we should to inform ourselves better against another Occasion; and that his Highness might be sure we should upon all Occasions, express more particular Respect and Honour to his Highness, than to any other Elector upon the Account of his being a Prince of his Majesty's Royal Blood.

WE cannot but observe upon this Incident, that the new Stile of *Serenitie* is grown a Pretension generally insisted on by the Electors, as given them by Treaties with the *Northern* Crowns, in Return of *Regia Majestas*; tho' you see no more than *Serénitas* is given his Majesty by the Chancery of *Vienna*: Upon which we should be glad to receive your Reflexions for our Conduct with those Princes, in the Course of our Negotiation here. We remain always, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 10th May, 1677.*

Right Honourable SIR,

OUR last was of the 7th; since which we have none from you to acknowledge. We told you in it, how the *French* Ambassadors had on *Saturday* last given us their Thoughts, both against the Way of answering by Writing, that the Allies intended to take, at leastwise for this first Turn, and for the Temperament we had proposed of taking in Writing, as by Way of Notes, what the Parties should charge us with, but that they did not then give it us for their Resolution, till they should first speak with the *Swedish* Ambassadors.

WE heard not from them till *Tuesday* at four a Clock, which was the Hour they took; they then told us, they had come to a Resolution jointly with the *Swedes*, to give their Answers to the Pretensions of the Allies, by Word of Mouth, and not in Writing. That they accepted of the Expedient we had discoursed to them of, on *Saturday*, which



which was, that we, the Mediators, should set down in Writing, what the Parties should find Cause to dictate to us, and so communicate it, that there might be no Room for doubting of the Certainty; that this Acceptance was upon Condition that the Allies should give in to the same Expedient, and begin to do so from henceforwards, that so the *Reciproque* might begin between them upon this Exchange, and the Pretence of the Allies waved, of giving in their Answers in Writings of their own for this first Turn.

THIS they gave us for their Answer, telling us, the *Swedes* would come and declare themselves upon these Points to the same Effect; only they added, that they hoped, we would employ our Offices in dissuading the Allies from their Writing; the Jealousy they, the *French*, have, being very apparent, that there is something intended in those Writings to impeach them, and justify the War on the Allies Side; and they desired us, that in Case we should not be able to prevail with the Allies, but that they will needs thrust their Writings upon us, we should acquaint them the *French*, with it, before any further Step be made, that they may consider what they have to do next. Here we shall crave leave to observe unto you, that about an Hour before this Conference with the *French*, M. *Kinski's* Secretary had brought us the Answers of the several Allies, sealed up, and in one Pacquet superscrib'd to us. It was observed to him, that there was no such Haste, in Regard it was not yet agreed, how the Answers of the Parties should be communicated each to other: He said, his Orders were to consign the Pacquet into our Hands, and to desire our Offices in communicating the several Answers inclosed in it, to the respective Parties they are intended for.

WE took the Pacquet, but did not think fit to open it, till we have negotiated the Point in Controversy of *Writing*, or not *Writing*, to some Issue: But this hasty Step of the Allies, is an anticipating of what themselves proposed at first, which was, that the Mediators should name a Day, and then the Answers should be exchanged on both Sides, yet they give in theirs, before any Day is named, and before it be known, whether their adverse Parties will answer or not, in Case they do persist finally in this Way of Writing.

THE *French* Ambassadors, in the Conference above-mentioned, told us, that having received some while since from our Hands, a Project of a Treaty of Commerce with *Holland*; and having since received the Pleasure of the King their Master upon it, they would communicate to us, the Answer they had already given to M. *Beverning*; which was, that the *Hollanders* should find the Most Christian King would be easy in settling the Commerce of both Nations upon the Foot it was on in 1662. Only in two Points, they must not expect any Thing of what they have proposed; the one was, the Abatement of the 50 *Sols per Tonneau*, which would never be, themselves having acquiesced in it by the Treaty of 1662, and having in their own Country establish a like Duty upon all Strangers. The other Point was, the reducing of the *traite foraine*, to the Case it was in 1634, so as not to be afterwards altered; this being a Prerogative, the Most Christian King will not have his Hands tyed up in, but will have it alterable as he sees Cause.

IN the Close of this Conference, M. *d'Esstrades* enlarged further, to acquaint us with the Answer they had given M. *Beverning*, upon another Point he had made to them a solemn Discourse on; it was, that M. *Beverning* having told them of the Necessity of a *Barrier* in *Flanders*, they had answer'd him, that the Most Christian King taking

Notice

Notice of that Discourse, and finding it to be only in general Terms, without offering him any particular Scheme, there was no Answer to be given, but that the King would then give an Answer, when any Thing in particular was offered, either by the *Dutch* Ambassadors, or the Mediators. This *M. Colbert* took up, and involved in other Discourse, so as to pass it over, which made us think it was not intended for this Conference.

THIS makes us observe, that the Communication goes on still between them, and we come not to know of it but by the by, and we know not whether there be not something more than ordinary on Foot between them at this Time, for *M. Beverning* went on the sudden on *Sunday Morning* last out of Town, to wait on the Prince.

THIS is the more remarkable, in that it is immediately after the *French* have had the Answer of their Court to give the *Dutch*, both upon the Commerce, and about the *Barrier*; and that it is also against a Rule that *M. Beverning* had set to himself, that he and *M. Haren* should never be absent both at a Time; but *M. Heugh* says, this is upon a particular Assignment to wait on the Prince, and if he does not find him at *Soesdyke*, (as 'tis thought he cannot have done) he is to pass on into *Holland*, in Order to speak with the Prince and the Pensioner together.

YESTERDAY the *Swedish* Ambassadors took an Hour of us at 11, to make their Declaration, (as the *French* told us they would) that they approved not the Way of Writing which the Allies intended; that they liked well of the Temperament that we had proposed, that what is of Substance should be dictated to us, and we set it down in Writing, but reserve to themselves, in case the Allies will needs write, to reply upon them, if they find in their Answers in Writing any Thing that gives Offence.

ON *Tuesday* Count *Kinski* brought Count *Wallenstein*, who arrived here the Day before, to visit us in our several Houses, where passed nothing but the ordinary Complements, no more than in the Revizits we severally gave him yesterday at Count *Kinski's* House. He says, he will be going about two Days hence, and will not make a Stay for above one Day at the *Hague*, if he do find one of his Majesty's Yachts (which we perceive he does hope for) come upon the Coasts.

THE same Day with Count *Wallenstein*, arrived here the President *Cannon*, bringing from the Duke of *Lorain*, who sends him his Plenipotentiary, a *Plenipouvoir* with the Stile of *Ambassador*. He hath likewise a Passport from the Emperor, which gives him the same Stile. We are already much pressed by some of the Allies, to receive him in that Quality; but have answered, we can do nothing in it, without Direction from his Majesty, which we most humbly beg.

YESTERDAY, as soon as we had dispatched our Revizits to Count *Wallenstein*, we sent to take an Hour of the Allies, to give them the Resolution of the *French* and *Swedes*, but hitherto have not heard from them. We remain ever, SIR, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 14th May 1677.*

Right Honourable SIR,

SINCE our last of the 10th, we have none from you to acknowledge.

THE same Day in the Afternoon, at an Hour assigned, we communicated to the Allies in their Assembly, the Answers we had received from the *French* and *Swedish* Ambassadors, upon the Expedient proposed to them by us, about the Way of proceeding in the Negotiation here, either by Writing, or by Word of Mouth: We gave you an Account of those Answers in our last, and shall not trouble you with the Repetition of them. The Allies gave us Thanks for this Communication, but referred us for an Answer upon it, to what should be resolved after Deliberation amongst them.

THE same Evening Count *Kinski* came to us severally without Ceremony, and on Purpose to introduce the President *Cannon*, who gave us an Account of his being sent hither from the Duke of *Lorain*, and delivered us a Letter from his Master, (whereof we send you the inclosed Copy) and at the same Time his *Plenipouvoir*, with a Passport from the Emperor, and desired an Hour of us, that he might communicate to us what he had in Charge from the Duke his Master.

WE observed, that in his *Plenipouvoir* the Character given him was only of *Ministre Plenipotentiaire*, tho' *Don P. Ronquillo* had told us, that he came with that of *Ambassador*; and we found the Passport from the Emperor had given him that Stile, which made us guess, that he might have brought two Powers with him, and have chosen to produce this upon the Difficulties he foresaw in the other, by our Answer to *Don Pedro* upon this Occasion.

UPON *Friday* Morning, while we were together, we were told of a Duel that had been fought the Day before, between a *Swedish* and a *Danish* Gentleman, upon the Ramparts of this Town, and wherein the *Swede* had been wounded in the Arm, before they were parted by Company that came in. We esteemed the Peace of this Place, and the Prevention of such Accidents, to be of such Consequence to the Congress, that we resolved to go, one of us to the *Swede*, and the other to the *Danish* Ambassador, and represent to them the Sense we had of it upon this Occasion, and to desire them at the same Time, that they would inform themselves of the Persons who had been engaged in this Quarrel, and when they had found them out, they would give them Order to retire from this Place during the Congress; and declare to all their Demesticks, that they intended the same Measure to any Person that should hereafter be guilty in the same Kind, and that they expected, in case any Quarrels should happen between Gentlemen here, which could not with Honour be put up, they should at least shew so much Respect to this Assembly, as not to decide them, either in this Town, or in any Place within the Neutrality.

THE *Danish* Ambassador made us Complements upon our Care expressed in this Affair, and tho' he seemed much concerned to part with Count *Rantzow*, who was the *Dane* engaged in this Business, yet he told us with great *Honnêteté*, that he had so much Deference for us the Mediators, that he should submit himself to this, or any other Rules we should prescribe.

THE

THE *Swedish* Ambassador was not so frank in expressing himself in this Case, but referred himself to the Informations he should receive, and to the Guilt or Innocence he should find to have been in the Carriage of the *Swedish* Gentleman upon this Occasion.

WE have since in ordinary Conversation communicated to Count *Kinski* and the *French* Ambassadors, the Offices we had performed in this Affair, who were pleased much to applaud our Care for the Peace and Order of this Assembly, and to express their own Resolutions, of observing what we had proposed in Order to it.

UPON *Saturday* Morning, at an Hour assign'd, the Duke of *Lorain's* Minister came to us, and after the usual Complements upon his Majesty's Mediation, he desired us to make the Exchange of his Master's Pretensions with those of *France*, and to make Way for his visiting the *French* Ambassadors here, since there remained no Difficulty in Point of Character between them; and added, that tho' his Master had taken this Resolution, of sending only Ministers and Plenipotentiaries, to avoid the Embarrass, which he foresaw the other Stile would produce, yet he pretended not to prejudice the undoubted Right he had of sending Ambassadors, nor the Intentions he might have of using them, whenever it should be allowed him by his Majesty and the Most Christian King; to this End, he desired us, that we would perform our Offices first towards his Majesty in this Behalf, and then towards the *French* Ambassadors, at such Time, and in such Manner, as we should think most proper for it.

IN the Afternoon M. *Heugh* and Count *Kinski* came to us, as deputed from the Body of the Allies; but their Business was no other, than to make their Excuses for the Retardment of some few Days in giving us their Answer to what we had reported to them from the *French* and *Swedish* Ambassadors, concerning the Method of proceeding in this Negotiation: They told us, that the Thing being of great Importance, and of Consequence as to the whole Course of the Treaty, they had not thought fit to come to any Resolution upon it in the Absence of the *Dutch* Ambassadors, whose Return was every Day expected.

THE same Evening we acquainted the *French* Ambassadors with these Excuses of the Allies, and with the Desires of the *Lorain* Minister: They took little Notice of the first; and upon the other, they seemed to make no Difficulty of receiving his Pretensions, after they should have seen his *Plenipouvoir*, and been satisfied with them. As to his Visits, M. *d' Estrades* and M. *Colbert* said, they must first know, whether he had visited the *Spanish* Ambassadors; but M. *d' Avaux* observing, that there was none yet here with that Character, they concluded there would be no Difficulty in it, when he should send to them to desire it in the due and usual Forms.

YESTERDAY I, Sir *L. Jenkins*, making a Visit to M. *de Haren*, who was returned the Night before out of *Friezland*, he told me, that M. *Beverning* would not be back yet in 10 Days, being forced to go after the Prince into *Flanders*, having, it seems, come too late to overtake him in *Holland*, before his Return to the Army: He said, he found it given out here in Town, that M. *Beverning* had made that Journey, upon Occasion of a Conference the *French* Ambassadors had had with him, upon yesterday was *yevennight*; but added, — *il ne m'en mande rien luy même, & je ne crois pas qu'il y ait eu une Conférence formelle entr' Eux, quoq; Messieurs les Ambassadeurs ayant esté pour faire Visite ce jour là.*

I having given him some Account of what the *French* had told us, of the Answer they had received from their Court, both upon the Project of the Marine Treaty, and upon the *Barrier*, they, the *Dutch*, had made Mention of in their Conference with the *French*, as desiring to have one in *Flanders*: He answered, that it was true they had proposed in their Project the taking away of the 50 *Sols per Tonneau*, and the reducing of the Treaty *forraine* to a certain Foot, but had no great Hopes to carry either; only the not obtaining it would give the fairer Occasion to them to do something of the same kind in their own Ports. That as to the *Reglement of Commerce* between them, the *French* had told them, in that first and only Conference they had had together, that they, the *Dutch*, should find the Most Christian King more or less easy, as they should resolve to negotiate with him a separate Peace, or otherwise. As for the *Barrier*, that the *French* Ambassadors had told them in the same Conference, that there was no need of any, their Master, the Most Christian King, being resolved to live quietly and fairly with his Neighbours, and that he would have no Cause to do otherwise with Republicks (Witness his constant good Neighbourhood maintained with the *Swissers*); for that Republicks being not apt to design Conquests upon their Neighbours, they might be secure *France* would design none upon them the Republicks: To which they, the *Dutch* Ambassadors, could not forbear, as he said, but reply, that the Memory of those Conquests the Most Christian King had so lately made upon their Republick was so fresh, that they could not by any Means dispossess themselves of Fears, that the like might be attempted upon them again.

To this the *French* Ambassadors rejoined, that all was now restored to the *Dutch* by the King their Master; yet they could not hold, as M. *Haren* said, but tell them, 'twas true most of their Places were restored by a Turn that had happened in Affairs, which if it had not happened, it appeared by the Propositions of Peace offered them, the *Dutch*, at *Cologne*, and elsewhere, what Manner of Restitution *France* did otherwise intend to make to this Republick.

THE main Remark that he was pleased to make to me upon this was, that the Way of direct immediate Conference between Party and Party did not appear to him so practicable, the Experience he had in this single Conference shewing the contrary; for when they, the *Dutch*, did find the *French*, as they often did, *positifs*, they could not but reply upon them with some *Fermeté*, so that such a Manner of Conference would almost unavoidably end in *Aigrettes*.

THE Reason he seemed willing to have understood of M. *Beverning's* Journey into *Flanders* was, that they might, by having fuller Instructions, be the better enabled to make up their own Matters with the *French*, and afterwards enter upon some kind of Mediation with their Allies; the Stiffness of them, and the Unreasonableness of their Demands, rendring it necessary for them so to do, tho' they still stick close to their Obligations to *Spain* and *Lorain*. Since the writing of this, we have the Favour of yours of the 8<sup>th</sup>, upon which we find nothing to return, besides the Professions of our being always, SIR, &c.

Berkley.  
Temple.  
L. Jenkins.

Nime-

Nimeguen, 17th May, 1677.

Right Honourable SIR,

OUR last was of the 14th, since which we have to acknowledge the Favour of yours of the 11th Current, and therein a Memorial and an Extraët relating to Mr. *Hebdon*, his Majesty's Envoy in *Russia*, which we shall take Care to make the best Use of we can, as Occasion shall offer, and particularly of his Majesty's total disavowing of the Excess that is laid to the Charge of that Envoy.

ON *Monday* last in the Evening, M. *d'Acoux* giving me the Lord *Berkley* a Visit, took Occasion to enquire of me, with some Concern, whether we had yet heard any Thing of the Most Christian King's Letter to his Majesty, whereby he proposed a General Suspension of Arms for *some Years*, and whether we had any Orders upon it.

I told him, we had sent to Court a Transcript of the Copy of that they had left with us, but had not received any Orders upon the Letter, nor so much as heard that such a Letter had been delivered to his Majesty; which I attributed to the Shortness of Time since his Majesty's Return from *Newmarket*: He seemed to wonder at it very much, and said, that there had been since another Proposition yet more moderate, made to his Majesty by the Most Christian King, which was, that if the Allies did not like of a General Cessation, he would be content to come to a particular one for the *Spanish Netherlands* only: Upon all this I had nothing to reply, but that we had not yet heard one Syllable from Court, either of the one, or of the other, there having been but little Time for Dispatch of Business since his Majesty's Return from *Newmarket*.

THE same Evening a Counsellor of the Prince and Bishop of *Osnabrug*, and his Resident at the *Hague*, having a Mandate from his Master to make a Journey hither, on purpose to put into our Hands his Pretensions in the General Peace, presented us with the Mandate and the Pretensions, saying, he had no more, when that was done, but to desire a Certificate (which was given him), that he had put them into our Hands, he being to return forthwith to his Post at the *Hague*; a Copy of the Pretensions, and of the Mandate, as also of the Certificate, goes herewith.

THE first Article of the Pretensions, which is, that his Master ought not to be abridged the Liberty of giving what Character he should think fit to those Ministers he should send hither, he did insist upon with some Earnestness, enlarging much upon the Reliance the Prince his Master hath upon his Majesty's special Protection and Support in that Point.

ON *Tuesday* Messieurs *Kinski*, *Heugh*, and *Haren*, took an Hour of us at 11 for a Conference, in which their Business was to acquaint us, *first*, That the whole Alliance had resolved the several Answers to the Pretensions of the Allies of the other Side should be in Writing for this Turn, and that it was their Desire we would give to the several Parties those Writings we had now in our Hands, as the Answers the Allies intended, and had addressed to them.

THE Reasons they gave for their answering in writing this Time were, that they found their Conveniencies in this Method for the present; that they had given an Account of those Writings to their several Courts, as the Answers they had given in; and that some of them had

already received the Judgment of their Principals upon what they had done. Another Reason they offered was, that these Answers were put into our Hands before the Expedient had been proposed by us ; but that could not, as it happen'd, be made out upon Computation, and so they waved it.

THE *second* Thing they told us upon this Subject was, that for the Expedient we had proposed, of taking in Writing what the Parties should think necessary to dictate to us, they approved of it, and accepted it as a proper Temperament in many Cases ; yet they said, as it was not necessary to dictate and put in Writing every Thing that passed between the Parties, so it would be necessary in some Cases for the Parties to declare themselves in Writings, that should be digested in good Form ; that therefore they reserved to themselves, the entire Liberty of having Recourse to that Method, when they should find the Nature of the Subject Matter to require it, notwithstanding their Acceptance of our Expedient.

ANOTHER Thing they entred upon in this Conference was, that they having given an Account to the *Brandenburgh* Ambassadors of the Answers we had had from the *French* and *Swedes* upon the Pretensions of those Ambassadors, that the second should have the same Treatment with the first, they had now a Reply put into their Hands to those Answers : Then M. *Kinski* taking out a Paper, (the Copy whereof goes herewith inclosed) desired he might be permitted to read it to us, and having read it, he left it with us.

AT three a Clock the same Day, having had an Hour of the *French*, we made our Report to them of what the Allies had given us in Charge ; they discoursed the Matter with us for some Time, telling us, 1<sup>st</sup>, That this Way of Writing was not the Way *à une prompte Paix*, which was the Thing his Majesty's Mediation did drive at, and that they were come for, to this Place.

2<sup>dly</sup>, THAT never was any Peace made by this Way of Writing ; that at *Münster*, after some Essay, the Parties had been forced to wave it ; and that when they came to treat in earnest, it was done by the Mediators going between, and not by Writing.

3<sup>dly</sup>, THAT they, when they gave in their first Pretensions in Writing, had expressly declared to us, and since to the *Dutch* Ambassadors, that they would write no more ; and that those Ambassadors did then approve of the Course they designed to keep to.

4<sup>thly</sup>, THAT the sticking of the Allies so close to their Resolution of Writing, can be no other, but a Design to amuse the World with elaborate Writings, to justify their Part in the War ; and consequently, that they, the *French*, must take Time to deliberate, whether they shall answer, or else neglect such Writings.

THUS they discoursed ; but the Result was no more, than that they desired Time to speak with the *Swedes*, before they gave us their Answer ; M. *Colbert* adding, that they saw plainly, the Allies intended still to delay the Treaty, as they had done for several Months past, *mais qu'en attendant le Roy (leur Maître) n'avoit pas perdu le temps, & ne le feroit pas encore.*

WHEN we opened to them the other Point of our Message, and acquainted them with the Paper that Count *Kinski* had put into our Hands, as the Reply of the *Brandenburghers*, they desired us not to read to them that Paper ; they would, they said, be excused from entering into such a Way of Treating, and would take the Contents of it from us by Word of Mouth. Some Answer they thought fit to give, which



which was to this Effect: They were in Possession of giving such a Treatment to the Ambassadors of Electors as they now offer, witness those Acts of Possession used by them at *Munster*, *Nuremberg*, and *Frankfort*. That nothing that *M. de l'Hombres* may have done in the Treaty of *Oliva* ought to be interpreted to the Prejudice of what had been done in those much more solemn Assemblies; besides that, *M. de l'Hombres* being, in his first Employment, no more but a Resident at *Liege*, was sent thence into the *Northern* Parts, and very little looked after, it being in the Times of their Broils, and civil Dissentions in *France*.

As for what is alledged to have been, since the Treaty of *Oliva*, done in *Poland*, they said, they were pretty confident, the Bishop of *Bezzieres*, the *French* Ambassador then in *Poland*, did not mistake his Measures; however, that they would write to Court, to know the precise Matter of Fact, both there and at *Oliva*; and that since *M. Colbert*, who was present at *Frankfort*, is always perswaded, that he saw the *French* Ambassadors (*Mareschal de Grammont* and *M. de Lyonne*) cut between the *first* Ambassadors of the Elector of *Brandenburg* and the *second*; they will write to get more particular Informations of what passed at *Frankfort* with the *Brandenburgers*; and their charging themselves to write to Court upon this Occasion, was all that was positive in their Answers.

IN this Conference, we shewed them the Original Powers of the Duke of *Lorain* to his Plenipotentiaries here, and left with them a Copy to consider of; they told us by the By, the *Lorain* Minister, Monsieur de *Cannon*, had visited them, and that Things passed between them with much of Satisfaction. We acquainted them likewise, how we were now possessed of the *Osnabrug* Pretensions, and after what Manner they had been put into our Hands; their Answer was, that that Prince proceeding, as the Princes of his House had done before, not agreeably to the Forms here, they had no other Answer to give to him, but what they had already given upon our Offering them the Pretensions of those Princes. We minded them likewise of the Passports we had so often desired of them, for the Deputies of *Hamburg*; they promised to write to Court again about it, not thinking there was more in it, than that it was a Thing clearly forgot.

FROM this Conference, we went immediately to *M. d'Olivenkranztz*, (his Collegue happening not to be at that Time in Town) upon our Report of what the Allies had resolved to do in the Manner of Proceeding by Writing; his Answer was, he must first communicate with his Collegue, and then both of them with the *French*; only he observed, that it would be a Disadvantage to them, the *French* and the *Swedes*, not to be endured, that their Answers should be by Word of Mouth only, or at most, dictated without Form, while the Allies should express themselves in the most deliberate and polished Manner that was possible. When we acquainted him with what had been committed to us, touching the *Brandenburgers*, in this he was nothing so scrupulous as the *French*, but desired he might read their Paper, and take a Copy of it. Upon this Occasion, we let him know what *M. Heugh* had said, by Way of Answer to their Complaint, in that they wanted a Freedom of communicating with their Court, and till that were allowed them, that they could give no Answer upon the Treatment demanded by the *Brandenburgers*: It was, that while the Crown of *Spain* had not that Satisfaction it pretended in Point of Freedom for their Couriers, the King of *Denmark* was upon all such Occasions press'd, in Virtue of the strict Alliance between them, not to relax



## 110 *Letters from the Embassy at Nimeguen.*

relax any Thing upon the Demand of *Sweden*. Upon the *Osnabrug* Pretensions, his Answer was the very same with that of the *French*; so that now we are to expect the final Resolution of the *French* and *Swedes* in the Matter of *Writing* or not *Writing*, tho' we are apt to suppose, from what fell from M. *d'Estrades* in the last Conference, they will expect the Orders of their Court upon it.

YESTERDAY M. *Spanheim* shewed us an Abstract of a Letter that his Electoral Highness the Prince Elector *Palatine* had sent him, as having received it from *London*; it was dated 24<sup>th</sup> April; and by it his Highness was advis'd, that there was a Minister of *Savoy*, the Count *de St. Maurice*, lately arrived at Court, the main Part of whose Business was, to solicit his Majesty, that a Preference may be given to the Dukes of *Savoy*, before the Electors of the Empire, in the Treatment of the respective Ministers in his Majesty's Court.

THAT his Highness was much surprized at, as not believing that the Deference which the last Duke had been stipulating towards the Electoral Collegues, and towards the Prince Elector *Palatine* in particular, could be so soon forgot, there having a solemn Treaty passed between the Elector and the last Duke of *Savoy*.

1. THAT the Dukes of *Savoy* should, within and without *Italy*, always give Place to the Electors jointly and severally, particularly to the Elector *Palatine*, and so between the Ministers.

2. THAT he should never pretend to other Rank, because of the Title of *Altezza Reale*, and that he should always treat the Elector with the Title of *Serenitas Electoralis*; he stipulating to treat him with *Celsitudo Regia*; and that this should last between them and their Successors: This Treaty was at *Ratisbone* in May 1666, between the Plenipotentiaries of these Princes; M. *Spanheim* left a Copy with us, with a Desire it may be transcribed, as now it is, the Copy going herewith, and the Contents of it laid before his Majesty.

To this M. *Spanheim* added an Observation of his own, which was, that being in *France* upon a Commission with others, at the Time the present *Dauphin* was christened, M. *Bonauviel*, the Introducer of Ambassadors there, expressed to him his being in some Pain, how to place the Ministers of the Electors, and the Minister of *Savoy*, who were to assist at that Solemnity; but it was resolved, the Minister of *Savoy* should have a Bench beneath that of the Electoral Ministers; and so it was done. This M. *Spanheim* was Eye-witness of. We are, &c.

J. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 21<sup>st</sup> May, 1677.*

Right Honourable SIR,

SINCE our last of the 17<sup>th</sup>, we have none from you to acknowledge. The *French* Ambassadors came to us, and told us the same Evening, that having proposed that way of Treating, which they thought conduced most to the Peace, and having, as much as they could, declined the other, of giving in Papers, which they thought was like rather to retard than to advance it, they had Reason still to be of the same Opinion: But however, since the Allies utterly refused it, they accepted the same Method they, the Allies, had proposed to make their

their Answers and Replies, either by Writing or by Word of Mouth, as they should find Occasion; that they did not take this as the best Way, but as that alone which was left them to pursue the Negotiation, and to express their Master's sincere Intentions to advance the Peace; that since the Allies would not give their Answers otherwise than in Writing, they would receive them so, tho' they had Reason to believe the Ground of this Resolution in the Allies, was rather to make *Manifesto's* than Proposals; that when they had seen them, they should choose which they thought best, either to answer them or despise them; that for their present Answers, they would communicate them to us on *Saturday* by Word of Mouth, and we might, if we pleased, take the Substance of them in Writing, and communicate them so to the Allies; that in the Condition their Master's Affairs were at present, they could yield such Points as these with Honour, and make all Paces necessary to facilitate the Peace; but if any Reverse should happen to them, the Allies should find them more difficult, and they should seek their Revenge, which made them think, this was the true Time to make the Peace, when the Armies on all Sides were so great, as to have some Respects one for another.

As for the Powers of *Lorain*, they found some Reflexions to be made upon them, in which they must have the Sense of their Court: That as to that Clause, particularly of treating for the Restitution of that Dutchy, they did not know whether it would be admitted; that they had no Instruction at all in this Point of *Lorain*, and did not think that Minister pretended his Master should treat *tête à tête* with the King their Master, or that they should give any Pretensions to be exchanged at the same Time with his, as had been done with the other Allies; that they had nothing to ask of *Lorain*; and that the King their Master pretended *avoir le Droit & la Possession*, but might be willing to receive *Prince Charles* his Propositions, and give such Answers upon them as he thought fit.

THE same Evening, the Pretensions of the Duke of *Hanover* were given us by his Minister residing at the *Hague*, and commission'd only to put the same Paper into our Hands. We send you a Copy of them inclosed, which seem to contain nothing besides the Pretence of the Stile of *Ambassador* for his Ministers, and the Desires of a General Peace; but that the Treaty of *Hanover*, made in the Year 1675, between that Duke, and *Denmark*, *Brandenburgh* and *Munster*, should be observed and executed in all Points by the Parties. We told him, how ignorant we were concerning that Treaty of *Hanover*; and therefore could not judge, whether it had any Relation to the present Negotiation here; he said it had, and that we should certainly find it so, by a Sight of the Treaty, which he would send us from the *Hague*. However, we found by his Discourses, that his Pretensions are to have a Share in the Conquest of *Bremen*, and to have Recompence for the Winter Quarters which were assign'd his Troops. He told us further, upon Discourse of his Master's Pretensions to the Stile of *Ambassador*, he and the other Princes of *Germany* should never have stirred in it, but that the Elector of *Brandenburgh* had given them the Example; and that being done, they can never let it fall, or suffer that such a Distinction should be made between the Electors and them.

UPON *Saturday* the *French* Ambassadors came to us, and told us, they could make no particular Answers to the Pretensions of the Allies, till they should be reduced to more reasonable Terms; but in the general, they would tell us what they had to say at present upon each

of them, which M. *d'Eftrades* did very concisely. But after him M. *Colbert* very diffusely, with Length of Reasons and Justifications, so far as to say, the War with the Emperor was only upon Occasion of a just Defence against a very unjust Invasion: And that for *Spain*, they were attacked by them without any Occasion, and against the Faith of their Treaties at *Aix la Chapelle*; which gave them just Reason to pretend to all which their Arms had gained by the War, according to what had been practised in several former Treaties between the two Crowns, by which *Spain* had made so many Acquisitions upon *France*.

WE desired, that since we were to take the Substance of their Discourses in Writing, we might know which Method they intended we should follow in the Deduction of them, either that of M. *d'Eftrades*, or that of M. *Colbert*; they concluded it should be the first; upon which we having taken it as near as we could in Writing, they at length, with much Filing, reduced it to these following Words: — *Que pour l'Empereur & l'Electeur de Brandenburgh, ils ne croient pas qu'ils pouvoient raisonnablement pretendre autre chose que le Retablissement entier des Traitez de Westphalie, à l'Observation des quels tant l'Empereur par sa Capitulation que les Princes & Estatz de l'Empire sont engages, comme à une Constitution, & Loy fondamentale de l'Empire.*

*Que pour l'Espagne, ils insistent sur leur premiere demande, à ce que de part & d'autre les Affaires demeurent dans l'Estat où le Sort des Armes les a mis à present. Estants prêts en cas que leur soit fait cy apres de la part de sa Majesté Catholique des Propositions convenables d'y repondre en la maniere, qui en peut raisonnablement attendre de la Sincerité du Roy leur Maitre pour l'avancement de la Paix.*

*Que pour le Danemarck, ils demandent la Satisfaction de leurs Alliez.*

*Que pour les Estatz Generaux, ils croient que par la Réponse déjà donnée à leurs Articles sur un Reglement de Commerce, ils auront raison de se contenter.*

YESTERDAY in the Afternoon, having heard nothing in several Days from the *Swedish* Ambassadors, we went to them, and acquainted them how this Affair stood, and that having both the Answers of the Allies, and of the *French* Ambassadors, in our Hands, we were ready to make the Exchange; but desired first to know, whether they intended to give us in theirs, that so the Exchange might be made at the same Time between both the Alliances.

THEY told us we had prevented them, and that they intended to come to us the same Afternoon, and give us their Answers by Word of Mouth, but reserving to themselves the Liberty of replying by Way of Writing, in case any Thing of Justification in the Answers of the Allies should make it necessary.

WE put them in Mind of the Instances we had formerly made, both to them and the *Danish* Ambassador, for the sending away those two Persons, who had lately been engaged in a Duel here, and likewise of the Consequences this Accident might otherwise have upon the Peace of the Assembly: M. *Oxenstiern* answered us, after some Complement, that he had given Order several Days since, for an Information of the Fact to be brought us in Writing, and that he hoped that we would judge how innocent his Domestick was of the Quarrel, and that he ought not to be put in the same Condition with the *Dane* that was guilty: Hereupon he told us the Story, which was in direct Terms, upon some of the main Points, contrary to what the *Danish* Ambassador had before entertained us with.

WE told him, that we did not pretend to be Judges of the Action, but only Advocates of the Peace and good Order of the Congress, against which they were all equally criminal, who had been engaged in that Action; that if we entered upon Informations, we should find them so opposite one to another, that it would be likelier to make Quarrels than to prevent them; which we knew no other Way of doing, but by what we had proposed to both Ambassadors upon this Occasion; therefore we excused ourselves from taking their Informations, and desired them to consider further of it, which they seemed willing to do.

THE *Swedish* Ambassadors have since taken an Hour of us, for giving in their Answers at four this Afternoon, by which Time this Post will be gone; so that we only send you Copies of the Allies Answers to the *French* by this Ordinary, having not opened those to the *Swedes*, as being not yet ourselves possessed of theirs to the Allies; we only observe, that there are no Answers among them from the *Dutch*, either to the *French* or to the *Swedes*. We are ever, &c.

F. Berkley.  
W. Temple.  
L. Jenkins.

*Nimeguen, 24th May, 1677.*

Right Honourable SIR,

OUR last was of the 21<sup>st</sup>, since which we have not the Favour of any from you to acknowledge.

WE acquainted you in our last, how we were possessed of the Answers of the *French* to the Pretensions of the several Allies, and were in Expectation to have those of the *Swedes* as soon as that Post was gone; accordingly they came at 4 a Clock on *Monday*, the Hour they had taken. M. *Oxenstiern* discoursed to us at large the Particulars they intended for an Answer, and that being done, they put into our Hands the Substance of what had been said, to spare us, as they said, the Trouble of taking it in Writing, and themselves of dictating the same Things over again; their Paper was in *Latin*.

BUT being put in Mind, that there would be some little Impropriety of Speech in our Report to the Allies, when we should deliver to them in *Latin*, the Substance of a Discourse that had been made in *French*, they thought fit to take their *Latin* Paper back again, and to send it us in *French* the next Day; the Paper itself goes herewith inclosed.

IN this Conversation, they took Notice to us of a General Expectation there was of the Nuncio's Arrival within a Day or two, and told us of a Rumour that was spread Abroad, that he would notifie his Arrival to all Ambassadors and Publick Ministers indifferently; that they, for their Parts, were not particularly instructed what to do; some Examples of their own they made us a Relation of, by way of Conversation; the one was, that about 4 Years ago, a Letter being brought from the last Pope (by the *Comte de l'Monte*, a Minister of Q. *Christine's*) to their King; the Letter, upon Deliberation, where M. *Oxenstiern* himself had assisted, and after Search made of what the Practice had been in *Sweden* since the Reformation, was refused, tho' the Contents of it, which was for a Succour to the *Poles* against the *Turks*, was found reasonable to comply with.

THEY told us of another Thing that fell in the Way of M. *Oxenstiern* himself, while he was lately Ambassador at *Vienna*; it was,

## 114 *Letters from the Embassy at Nimeguen.*

that he being to make his solemn Entry there, had an Offer made him, by a third Hand, of the Nuncio's Coaches to attend the Entry, but, he excused it.

OUR Answer upon this whole Conversation was, that we, for our Parts, whatever others did, should have no Manner of Commerce with the Nuncio, either in the Business of our Function, or in Matter of Ceremony, and that our Orders were precise to that Effect.

BEFORE we parted, M. *Oxenstiern* took Occasion to make a Deduction to us, of the Pains he had taken to have the Truth discovered, of what had passed between a Domestick of his, that had fought a Duel with a Gentleman of the Train of the *Danish* Ambassador; the Substance was, that the Account he intended should be drawn in Writing, and put into our Hands, was not drawn up as he had ordered, which he thought might have amounted with us to an Evidence of the Innocency of his Domestick; however, that he was willing to submit that Affair to the Judgment and Discretion of the Mediators; only that there being yet no Provision made in this Place against *Duels* or *Rencontres* between Gentlemen, he hoped we would take Occasion from this Incident to make some Reglement, which may be a Warning for the future to these and all other Gentlemen.

M. *Oxenstiern* having upon this Occasion let fall some Words, as if he had doubted the Sentiment of his Collegue, as not being so forward as himself to submit all to our Discretion; M. *d'Olivenkrantz* took Occasion next Morning to let us know, he had from the Beginning desired, that no Manner of Protection should be afforded to the *Swede*, but that he should be ordered to withdraw, as we had desired, upon our first appearing in this Business; and he seemed to concern himself much to have us fully perswaded of his Desire, from the Beginning, to have this Scandal removed as we had proposed.

ON *Tuesday* Messieurs *Kinski* and *Stradtsman* came to us, to desire we would think of some Expedient to satisfy them, in that the Style of *Inviétissimus* to the Emperor was wanting in Mr. *Chudleigh's* Commission: They said, that tho' it was nothing but their Curiosity that had lead them to read it over when it was shewed them, yet that that Defect having occur'd to them, they could not pass it by, in Regard of some Orders they had lately received, of what Titles the Emperor is to be treated with by all the Princes of *Europe*. They did confess our Commission had the same Defect, but that at the Time ours was shewed them, their Instructions were not so strict as now they are; and in order to convince us the more that it was a Defect, they had ready to produce the Titles that his Majesty had given the Emperor, in the Letter brought him by Mr. *Skelton* from his Majesty.

THEY laid a great Stress upon this Business, and said, that unless we could satisfy them, so as they might answer it to their Court, the Negotiation, as to their Part in it, would be *accroched*, in Regard that they not being able to admit the Exhibition of the *French Plenipouvoirs* that Mr. *Chudleigh* had offered to make them, the *French* Ambassadors would not stand legitimated in Respect of them the *Imperialists*; and there could be no negotiating between them, till the Powers were communicated and acquiesced in on both Sides.

OUR Answer was, that since our own Commission wanted the Word *Inviétissimus*, as well as Mr. *Chudleigh's*, we could not own any Defect to be in his Commission, but it would follow by Implication, we did own the like to be in ours.

WE observed further to them, that the Stile in his Majesty's Letters to the Emperor by Mr. *Skelton*, was a Stile, as we conceived, peculiar to the Secretaries Office; but the Stile in the Commissions under the *Great Seal of England*, was the Stile of the *Grand Chancellerie*, which was certainly very ancient, and might very well differ from the other.

WE appeal'd to themselves, whether there were not at *Vienna*, *Madrid*, and *Paris*, two Stiles; the one *de la Chancellerie*, the other *du Cabinet*, or *de la Secreteriairie*; and whether they did not differ the one from the other? This M. *Stradtsman* did ingenuously confess as to *Vienna*, and that as to the Stile of that *Chancellerie*, the Emperor gives but the Stile of *Serenitie* to other Kings; whereas by another Stile, that of the *Cabinet*, he gives to some of them at least the Stile of *Majestie*.

BUT nothing of this would weigh with them, they having of late received strict Orders, as they said, to watch that no Prejudice be done to the Emperor, by others varying from the Titles that of Right belong to him, whereof they have of late received the Particulars from their Court. What this will come to we cannot tell; but we fear M. *Kinski* will not let it fall; for upon our sending yesterday a Gentleman to take an Hour from him, for a Conference with him and the other Allies, he wish'd him to mind us, *qu'il desiroit sortir d'affaire avec Messieurs les Mediateurs*; which we cannot think could relate to any Thing else, but to the Difficulty he makes upon Mr. *Chudleigh's* Commission, whereof you have had a particular Account by the last Post from Mr. *Chudleigh* himself.

WE did not send you by the last the Answers of the Allies upon the Pretensions of the *Swedes*; but having opened them upon our receiving of the Answers that the *Swedes* had to give, we take Leave to inclose Copies of them herewith.

BEING possessed of all the Answers that the Parties make upon each others Pretensions, and having taken the Hour of five, yesterday in the Afternoon, from them all, we divided ourselves, and delivered the several Answers to the Parties concerned respectively. We found the Allies met together in their usual Place of Assembly, but the *French* and *Swedes* in their Houses. There was little said by any of the Parties, upon the receiving the Answers of their Adversaries; only the Allies spoke of an Answer from the *French* upon the Duke of *Lorain's* Pretensions, and the *Lorain* Minister himself being present among them, let fall some Words, as if he had expected the *French* should come to a like Exchange of *Plenipouvoirs* with him, as they had done with the five principal Parties, to each of whom they were brought with much ado to furnish particular Powers. But being told, that the *French* had made some Reflexions, and had sent to know the Judgment of their Court, upon a Clause in his *Plenipouvoir* that was not in the common Form, the Allies were all satisfied, that we could not do any Offices with Effect upon the Duke's Pretensions, till that were adjusted.

M. *Heugh* spoke with us yesterday in the Evening, and shewed much of Concern what to do in the Visits of Ceremony, that the Pope's Nuncio (who arrived here on *Tuesday* at 11 a Clock at Night) would expect from him; his Concern did arise, he said, from this, that the King his Master being, on the one Side, resolved not to make Use of, or own any Mediation but that of his Majesty's; and being earnestly pressed, on the other Side, by the Emperor's Ambassadors, not to balk the Exchange of ordinary Civilities with the Nuncio; that this Inter-course between them, which, he said, would be no more than a *pure*

## 116 *Letters from the Embassy at Nimeguen.*

*Grimace*, should not make any Impression with his Majesty, to the Prejudice of that perfect Reliance which the King of *Denmark* hath upon his Mediation; and therefore he desired our Judgment and Advice upon this Step he was to make. We told him, that as to our own Government, our Orders were very plain, and very precise, not to enter into any Commerce of any Kind with the Nuncio: But that we did not observe any Thing in them, wherein we were directed to interest ourselves, or to meddle in the Conduct that others should use in this Incident: However, forasmuch as he had declared himself beforehand with that Regard to his Majesty's Mediation, and shewed a Concern not to be misunderstood by his Majesty, we should not be wanting to make a just Representation of this Respect he expressed towards his Majesty.

LAST Night, Messieurs *Colbert* and *d'Avaux*, in an ordinary Conversation with me, Sir *W. Temple*, upon Discourse of the Nuncio's Arrival, told me, he had desired them, the *French* Ambassadors, to sound the Mediators, whether they would receive his Complements, which he intended first to them; and upon that Reason, had delayed hitherto to make his Notifications to any of the rest.

I told them, our Orders were very direct in this Point, not to enter into any Sort of Commerce with him; and that it would be the Part of them, the *French* Ambassadors, and the other Parties, to consider of the Ways how to prevent any Embarrass, that might arise in the Negotiation here, by the Presence of two Mediators, who could no Way join or communicate together. We remain always, &c.

*J. Berkley.*  
*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 28th May, 1677.*

*Right Honourable SIR,*

OUR last was of the 24th; since which, we have the Favour of yours of the 18th Current to acknowledge: wherein we do not find any Thing particularly directed us, besides that we are to expect his Majesty's Resolution in the Business of the *Brandenburghers*, which, it seems, we shall have the Honour to know ere long.

WE have nothing formally come to us from any of the Parties by Way of Reply, or otherwise, upon the Answers lately exchanged; only the *French* have, upon several Occasions, by Way of Discourse, complained of the Matter and Manner of the Charge (in their Answers) made against *France* by the *Imperialists* (especially), and by the *Spaniards*; they expect Orders from their Court what to do upon it; they think it will be, to reply in Writing; which, they say, will be very easy to do with Advantage.

*M. de Haren*, in a Conversation I, Sir *L. Jenkins*, had with him, taking notice of the Alarum that the Allies have taken of *M. Beverning's* Journey into the Army, and of their Jealousy, lest they, the *Dutch*, should come to a separate Peace, told me, they, the *Dutch*, are not without Cause given them, to have at this Time an Eye altogether as jealous over the Allies, particularly over the *Spaniards*; for that there is Advice come from *Madrid* to the States General, that *Don Juan* is labouring to come to a separate Peace with *France*, and is willing to sacrifice all the *Spanish* *Netherlands* to it; and to take what Exchange he



he can get for it, in the *Rouffillon* and *Sicily*: That nothing keeps this Point from being resolved, but the Expectation to see what *England* will do, in Order to save the *Netherlands*: M. *de Haren*, as he judgeth this News to be of infinite Importance, so he looks upon the Writer, as a sober understanding Person, that would not write this to the States without reasonable Grounds.

M. *de los Balbases* arrived here on *Friday* about 9 in the Morning. When he and his Collegues will appear in publick, is not said. The Nuncio received his first Visits from the *Imperialists* and *French* on *Saturday*; and he is now, as we are Writing, with three Coaches and six Horses at the *Imperialists*, repaying his Visits.

My Lord *Berkley* took his Leave of this Place this Morning, and is gone by Land; the Yacht that the States had ordered to attend his Lordship here being not able to come up, the Wind being against it; and his Lordship being not willing, because of his Indisposition, to defer his Journey any longer in Expectation of it. We remain ever,  
SIR, &c.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 31st May, 1677.*

*Right Honourable SIR,*

OUR last was of the 28th; since which, we have the Favour of yours of the 22d Current to acknowledge.

As soon as we receiv'd it, we sent a Secretary to acquaint the *Brandenburgh* Ambassadors of the Liberty his Majesty is pleased to allow us, in Relation to the Treating of that *second Ambassador*: The Words in which our Message was delivered, go herewith inclosed.

M. *Somnitz*, who is the only Ambassador in Town, told the Secretary, that he rejoiced very much to understand of that favourable Resolution his Majesty is come to; that he thanked us for the good Offices he suppos'd we had done in that Behalf; and that he and his Colleague, (who is now at *Cleve*) would make it their Business to come and give us their Thanks, as soon as he should be come back; which he thought would be within two Days. Upon Occasion of this Resolution, we shall take leave to beg a Word from you; whereby we may be certain, how far it is his Majesty's Pleasure this *Allowance* should be extended; particularly, whether we may practise the same towards the *second Ambassadors* of other Electors, if any should appear (as it hath been said, there will come some from *Bavaria*) upon this Place.

How seasonable those Instances are, which his Majesty is pleased to continue for the Freedom of Couriers, you'll by this Time have seen, in the Answers that the *Swedish* Ambassadors have given in to the Allies, which are no more, but that they cannot answer without the Liberty of communicating with the King their Master; however, it will be no small Satisfaction to them, that we shall be able to let them know, that Affair of theirs (which will be drawn on by settling that of the *Spaniards*) continues still to be a great Part of his Majesty's Care.

We can give you no other Account of the Difficulties made by the *Imperial* Ambassadors upon Mr. *Gbudleigh's* Commission, but that they writ us a Letter upon that Subject, and we writ them an Answer, the Copies of both which go herewith enclosed; whether they will acquiesce  
in



## 118 *Letters from the Embassy at Nimeguen.*

in our Answers, and Mr. *Cbudleigh's* Authentication or not, we cannot yet tell; we having not heard from them, since the delivering of our Letter.

M. *Ducker* thought fit, on *Saturday* last, to give us severally his Visits as of Form, and to leave with us the *Plenipouvoir* he has from the Bishop of *Strasburgh*; the Copy goes herewith. He desires our Offices in disposing the *Imperial* Ambassadors, (whom he hath not yet seen) to receive his Visits of Complement to them, wherein he intends to enlarge to them, upon the passionate Desires the Bishop his Master hath to return into the Emperor's good Grace. His *Plenipouvoir* having so express a Mention of his being directed to appear for Prince *William*, (the Bishop's Brother) will probably alarm them. But, we hope, he will easily believe it to be most adviseable for him to procure to himself a new *Plenipouvoir* in the common Form, agreed to by all the Parties. We remain ever, &c.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 4th June, 1677.*

Right Honourable SIR,

SINCE our last of the 31<sup>st</sup> past, we have none from you to acknowledge. The same Evening, we received a Visit from the two *Brandenburgh* Ambassadors, in Return of that we had made them upon their first Arrival: 'This pass'd to us both severally with the usual Forms and Complements, but particular Acknowledgments for his Majesty's late Resolution, in Favour of their Pretensions of *equal Treatment*.

UPON *Saturday*, Count *Kinski*, Messieurs *Heugh*, and *Van Haren*, came to us from the Body of the Allies, to desire our Offices to the *French* Ambassadors, in Behalf of the Duke of *Lorain's* Minister here: To know first, if they were satisfied with his *Plenipouvoir*; in the next Place, to desire an Exchange of such a *Plenipouvoir* on their Parts, as they intended to treat upon with him; and lastly, to demand the Counter-Pretensions of *France* against those of that Duke. We intend to perform this Office to Day towards the *French* Ambassadors, but doubt the Post will be parted, before we can give you any Account of their Answer.

M. *Beccerning* return'd hither upon *Friday*, and told us yesterday, that the Occasion of his Journey was, to know fully the Intentions of his Masters, upon the Answer the *French* Ambassadors had given them, the Day before he went, to his Proposals about the Reglement of Commerce. He said, they made no Difficulty upon any other Point but those two; on the 50 *Sols per Tonneau*, and the old *Tarif*, as they term it, or Rate of Merchandises, which was between them in the Year 1632; and upon these he found it necessary to be instructed, how far his Masters would insist: That tho' the *French* had given him no Answer upon the Points of *Maestricht*, and the Prince of *Orange's* Pretensions; yet he found they would be easy in both, if there remain'd nothing else between them. That he came Home now fully instructed to go on with the Treaty *jusques à la dernière ligne*, and that he intended to negotiate it by Conferences with the *French* Ambassadors as he had begun, without giving in any Answers or Replies in Writing; that he would acquaint his Allies with this Resolution at their next Meeting; and that

he

he thought, as the War went on in the Campaign, as if there were no Treaty here, so the Treaty ought to go on here, as if there were no Armies in the Field; and that when they, the *Dutch*, were *hors d'Affaires*, tho' they would not conclude without their Allies, yet they would then begin to press them to such Terms, as they thought were reasonable for the Peace.

HE took Occasion upon this Point to say, that the *Spaniards* flattered themselves very much upon their Hopes from *England*, and that M. *Van Beuninghen* did the same in all his Letters of late, even to that by the last Post; but that he, M. *Beverning*, for his Part, neither believed any Thing of it, nor desired what they proposed to themselves: That he had much rather his Majesty should make the Peace than War, and that most People in *Holland* were of the same Mind, tho' he knew some were of another; but he did not think the Business of *Holland* was to draw out the War into Length; that he would be very glad *France* might believe the King were in earnest, and resolved to prescribe the Terms of a reasonable Peace, and not to see *Flanders* lost; because he knew very well, that this very Apprehension in the *French* would certainly make the Peace: But they believed as little of it as he did; for he was as sure as of the Sun's shining, that the King of *France* had said in Confidence, to some Persons he could name, since the Beginning of this Campaign in *Flanders*, that he was not in Pain about *England*, and that the King would not stir so much as to hinder him from the Conquest of the last Town in *Flanders*.

WE hear the Pope's Nuncio has lost all Hopes of entring into any Commerce, so much as of Complement, with any of the *Protestant* Ministers here, notwithstanding all the Advances he has made towards it, (terming them, *Ministi degli Principi Accatolici*) and Endeavours used by the *Imperialists* and *Spaniards* with their Allies, and of the *French* with the *Swedes*; but these last have, as the *Dutch* Ambassadors tell us, declared positively, they would have no Commerce at all with him; and from this Resolution from them, as well as from us the Mediators, the *Danish* and the *Brandenburgh* Ambassadors, tho' they seemed at first inclined to the Interchange of Visits with him, yet have since excused it to their Allies, upon Pretence that the Notifications having not been made them from the Nuncio, at the same Time with the *Imperialists* and *French*, they cannot now receive them: The *Dutch* having had Orders to conform themselves in this Point with other Ministers of the *Protestant* Princes, are likewise resolved upon the same Course; which we find gives the Ministers of *Austria* and *France* some Pain, how to proceed in the Course of this Negotiation, without Offence either to his Majesty, or to the Pope's Mediation: But this we tell them, upon all Occasions, we are to leave wholly to their own Care, and can give them no Advice upon it; but transmitting to his Majesty the Accounts of all that passes towards us in this Matter, shall only expect and pursue his Orders thereupon.

WE send you inclosed a Copy of a Letter we received since our last from the *Imperial* Ambassadors, concerning the Difficulties they raised in the Emperor's Stile in Mr. *Chudleigh's* Commission, by which you will find, they resolved to receive a Satisfaction that was not given them, being willing, as we suppose, to get out of this ill Pace they had engaged in.

WE proposed to Count *Kinski*, since our last, the Desires of M. *Ducker* the *Strasburgh* Minister, to perform his Visits to him, the Count, and his

## 120 *Letters from the Embassy at Nimeguen.*

his Colleague; but his Answer was only, that he would consult his Orders upon it. We remain always, SIR, &c.

*W. Temple.  
L. Jenkins.*

*Nimeguen, 7<sup>th</sup> June, 1677.*

*Right Honourable SIR,*

OUR last was of the 4<sup>th</sup> of *June*, since which we have not the Favour of any from you to acknowledge.

ON *Monday* we performed our Offices with the *French* Ambassadors, as the Allies by their Deputies had requested us, (as we have already told you) in Behalf of the Duke of *Lorain*; they told us, they would give us their Answer in Writing as yesterday, but did not; how they came to fail, we know not.

WE took this Occasion to acquaint them of the *Hanover* Pretensions in our Hands; but those being left with us in the same Way as the Duke of *Zell* and Bishop of *Osnabrug* had conveyed theirs, that is, not agreeably to the Forms here practised, the *French* Ambassadors would give us no other Answer upon them, but that these Pretensions, as well as those of the other Princes, must be brought in in Form.

YESTERDAY *M. Colbert*, in a Conversation with us, amongst other Discourses, said, he had heard the *Spanish* Plenipotentiaries intended to appear suddenly, and to make their Notification first to the Nuncio, next to the *Imperialists*, and in the third Place to us; this they thought would engage them, the *French*, in a Difficulty as well as us; for tho' they yield the Precedence to the Emperor, yet they could not allow any such Distinction between him and their Master. That in a solemn Procession upon the opening the Treaty at *Munster*, *M. d' Avaux* did not yield the Place to *Wolmar*, the second *Imperial* Ambassador, but Count *Nassau* and *d' Avaux* went together in the Procession, and after them *Wolmar* and *Sercien*.

WE told him, we did not hear of any such Thing intended by the *Spaniards*, and that we had no Reason to expect it, because the *Imperialists* yielded us the Place at the Publick Conferences in their Assemblies: He replied they did it there, as in a *House of their own*; and he supposed they made a Difficulty upon giving it us in a *Third Place*, because the Privilege given to Mediators, was a Thing, he said, not practised at *Munster*, but taken up in the Assemblies since.

WE conceived of this and the rest of his Discourse, that he meant that we should apprehend, that if the Emperor's Ambassadors refused this Point, they, the *French*, would make a Difficulty of giving it. However, we justified the Pretension, both from the Nature and Necessity of it, as it gave Ease to the Negotiation, and from the Practice to which his Majesty had given in so formally at the Treaty at *Cologn*.

SOON after came in *M. Beccerning*, with a Design (as he said) to talk with us, upon an Occasion that the Marquiss *les Balbases* had just then given him, in a Visit he had made him: The Marquiss and his Colleagues, he said, were willing to appear in Publick with the soonest possible, and he put them on all he was able; *je les pousse furieusement* were the Words among others he used; enlarging further (as he did before he entered upon the Business he was come about) upon the Orders he now hath, to make a Project of a Treaty between his Masters, and the *French*; he said, he would have one ready drest to the very last

Line,

Line, and that we should have Part of it; that he would go to the *French* Ambassadors himself within a Day or two, and would offer to enter into Negotiation with them; that he had already communicated his Resolution to his Allies, and let them know, he would stay no longer. Pursuing this Discourse, as he did with Earnestness, he said, among other Things, *il y a des Gens chés nous qui croient*, that if the *Dutch* Ambassadors, and the rest of the Ministers, had made that good Use of their Time as they might and ought to have done last Winter, they might have been in Peace by this Time; and that which the *Spaniards* have lost this Spring, might have purchased a tolerable Peace for them. That he, for his Part, tho' he sees something may be hoped, not improbably, from the Armies of the Allies now in the Field, yet the Apprehensions he hath for *Sicily*, and the no very good Concert that is between the Allies, do so weigh with him, as to over-balance all his Hopes, and make him think it necessary to pursue the Peace, and not lose the next Spring, as they had done the last.

THAT which he had to speak with us upon, in Reference to M. *los Balbases*, was a Difficulty or two wherein we ourselves were like, he said, to be concerned, upon the appearing of the *Spaniards* in Publick: The one was, that as, on the one Side, they, the *Spaniards*, would be loath to give any Cause of Offence to his Majesty, in not satisfying as to the Regards due to his Majesty's Ministers here; so it is not to be expected from them, they will diminish any Thing of those Respects and Deferences, that they and all Princes of the *Roman* Communion use to give to the Pope's Minister; and finding that this Consideration did grieve the *Spaniards*, he had bethought himself of an Expedient, and came to see what we would say upon it.

THE Expedient was, that the *Spanish* Ministers should notify the Nuncio and us at the same Time precisely, by divers Gentlemen; and that when the Revizits should come to be made by the *Spaniards*, that one of them should go to the Nuncio, and the two others to us, both at one and the same Time; and so as one had finished with us, he might go to the Nuncio, and he that had been first with the Nuncio, might afterwards come to us. This he thought might be so evenly carried on, as that it should be in a Manner impossible to discern, who had been first notified or visited, We or the Nuncio: He desired our Opinion in this, and, if we liked it, our Approbation; but if we did not, he desired us to think of, and advise some other Expedient.

OUR Answer was, that as our Orders are precise, not to enter into any Commerce with the Nuncio, so we could not take upon us to give any Opinion or Advice in Expedients or Measures relating to him: That we, for our Parts, left it to the Parties that intended to make Use of that Mediation, to provide against the Embarrass that is likely to follow upon it; that we would go on the same Way we had gone in all this while; and would from Time to Time inform his Majesty of what should come to our Knowledge in such Incidents as these, and expect his Orders upon them.

THE other Difficulty M. *Beverning* said that he foresaw was, concerning the Treatment that the *Spaniards* would pretend to from us, as Ambassadors, tho' their first Power speak them no more than *Plenipotentiaries*, excepting that the Marquis *los Balbases* is said to be in his Power styled the King of *Spain's* Ambassador at *Vienna*. This, he said, the Allies had given in to; the *Imperialists*, the *Dane*, and the rest, being resolved to treat them as Ambassadors, upon the Undertaking

they entered into to produce *Plenipouvoirs* here within two Months, giving each of them that Character.

M. *Beverning* further told us, he was assured the *Swedes* would give them the Treatment they pretended. We did not answer him for the present, further than to tell him, we desired a little Time to look upon our Orders, before we came to a Resolution in the Point. Only we observed to him, that we did not see what Advantage it would be to them, the *Spaniards*, to change the Figure of *incognito* they are now in, since they have no Capacity to treat without a *Plenipouvoir*; that, he said, they proposed to themselves to supply by a new Act obligatory, of the same Tenor with the former; and that they were bent upon this Way, because they did hope to set forward the Negotiation, by direct Conferences with the *French*, whenever they could not make Use of the Mediators, by Reason of the Incompatibility between them.

WHEN we had discoursed over these two Difficulties, we took Notice to him of a third, that he had not, it seems, thought of; telling him what we had understood of a Design of the *Spaniards*, to notifie the *Imperialists* before they did us, which if they did, they would thereby, as much as in them lay, render his Majesty's Mediation useless; for that it was certain, that as soon as the *Imperialists* should enter into Competition with us, the Ambassadors of other Crowned Heads would do the same, and then we should be in that perpetual Embarrass with most of the Ministers here, that instead of doing the Offices of Mediators ourselves, we should have need of Mediators between us, and the most considerable of the Parties. We therefore told him plainly, we would not visit the *Spaniards*, in case they notified the *Imperialists* before they did us; this, he said, he was not aware of, but would sound the *Spaniards* about it, and suddenly give us an Account. All this he desired might be understood to pass between us by Way of Discourse, as if it had been his Meaning it should go no further; however, we thought it our Duty to lay it before his Majesty by this first Occasion.

THIS Conference was no sooner over, but M. *Hengh* came to tell us, there was a Minister or two of the Duke of *Holstein* in Town; one that had been here for some Months, the other but newly arrived: His Desire to us was, that we would not suffer ourselves to be possessed with any Prejudices, those Ministers might endeavour to beget in us of the King his Master; nor yet that the Pretensions of the Duke of *Holstein Gottorp* are capable of being brought into this Treaty, the Differences between him and *Denmark* being purely *Domestique*, & *sur des Unions des Maisons*; and that there can be no Colour to debate any of them here, seeing he is not a Party declared on either Side in the War.

He said further, that his Majesty, upon the Application of the *Danish* Minister in *England*, had been pleased to declare, it was not a proper Business for this Place, and that he would take Order it should not mingle in the Affairs of the Assembly.

He told us, that M. *de los Balbaces* had, just before he came, been at his House; that he had promised to give him and his Collegues the same Treatment as if they had been Ambassadors; but that it ~~was~~ not at all upon Consideration of the *Imperialists* doing so, (tho' he was resolv'd to see it done by them too before he entered upon it) but it was upon express Stipulation, that they, the *Spaniards*, should produce Powers with the Title of *Ambassadors* within eight Weeks, to be count-  
ed from *Monday* next; upon this Caution likewise, that in case they  
produce

produce them not within that Time, all this Treatment should stand retracted, and all that should pass in the mean time should be void.

SINCE the writing of this, we have the Favour of yours of the 1<sup>st</sup> of June: As to the first Point in it, touching the Stile of *Inviétissimus*, you will by this Time have seen, by the *Imperial* Ambassadors Reply to our Answer, where and how they are pleased to let that Matter rest. As to the other Point, of the Most Christian King's Letter to his Majesty about a Truce, we are very much surprized to find an Occasion of doubting, whether ever any such Letter came to his Majesty's Hands or no; since it was communicated to us by the *French* Ambassadors in Form, and as a Letter which had been sent away to the King, before the Copy was transmitted to them. We find besides, that the *French* having communicated it to other Ministers here, as well as us, we were not only called upon by the *French*, but by some of the Allies, to know what Orders we had received upon it. We remain ever, SIR, &c.

W. Temple.  
L. Jenkins.

### *Postscript.*

AFTER the closing of our Letter by this Post, we have received from the *Dutch* Ambassadors a Paper, containing the Project of a Treaty in all its Articles, which they desired us to give to the *French* Ambassadors; and told us at the same Time, they had been in a Conference with them this Morning, about the two only Points remaining in Difficulty between them, upon the Reglement of Commerce; the one of which consisted in the *Vieux Tarif*, they have, they say, quitted, but insisted upon the other. We have not Time left us to send you a Transcript of the whole Paper, but send you a short Extract of the Heads of each Article:

1. *Etablissement de Paix & Amitié.*
2. *Le Temps & Lieux marquez pour la Cessation d'hostilité par Mer.*
3. *Amnestie.*
4. *Les parties ne consentiront pas à des Traitez prejudiciables à l'une ou à l'autre, mais les rompront, & en donneront avis aussitôt qu'ils en auront Connoissance.* Next follow these Words: —
5. — *Et pour mieux asseurer à l'avenir le Commerce, &c.* which the *Dutch* Ambassadors say, is intended for an Introduction to the whole Project of Commerce, to be here inserted.
6. *Toutes Confiscations depuis la guerre cassées, & les Propriétaires restitués.*
7. *Les Parties demeureront saisies de tout ce qu'ils possèdent à présent, tant au dedans qu'au de hors l'Europe.*
8. *Le Roy Très-Chrétienne pour preuve de son Amitié rendra Maastricht, & tout ce qui en depend.*
9. *Renonciation de toutes sortes des Pretensions tant du temps passé que au présent de part & d'autre.*
10. *Restitution des Prisonniers sans Rançon de part & d'autre.*
11. *Subsistance & Reparation du présent Traité non obstant quelque Contravention.*
12. *Les Articles touchant les Pretensions & Interêts de M. le Prince d'Orange, seront inserez mot à mot en ce Traité.*

## 124 *Letters from the Embassy at Nimeguen.*

13. *L'Empereur, les Roys d'Espagne, & de Danemarck, les Electeurs de Treves & de Brandenburgh, le Duc de Lorain, l'Evesque de Munster, les D. de Newbourg, Zell, Wolfenbuttel & Osnabrug, compris dans ce Traité, comme des Alliez.*

14. *Et demeurera une Liberte entiere tant aux uns qu'aux autres, de se Garentir respectivement les Traitez qui seront fait conjointement avec cettuy cy.*

*W. Temple.*

*L. Jenkins.*

*Nimeguen, 11th June, 1677.*

*Right Honourable SIR,*

SINCE our last of the 7th, we have none from you to acknowledge; but send you enclosed a Copy of that Project of a Treaty which, we told you in our last, was put into our Hands by the *Dutch* Ambassadors, just upon the closing that Packet; upon which we can say nothing further, but that as the *French* Ambassadors seem'd to believe there will remain little between them, besides the Business of their Allies; so the *Imperialists* seem confident, the *Dutch* will not conclude without them, tho' all other Points should be early agreed with the *French*.

THE same Day, M. d'Esstrades brought us a great Complaint of a Violence committed upon some of his Domesticks, by some Soldiers that had pass'd here, but in Company, as was said, with some of Count *Kinski's* Servants; the Fact having been foul, and aggravated by the Time of the Night, by breaking open the Doors of the House, and by several Wounds that had been given to Women as well as Men, we performed our Offices immediately upon it, first to the *Dutch*, and then to the *Imperial* Ambassadors: Having found that the Soldiers engaged in this Quarrel, were some Recruits of the Prince's Guards, who passing through this Town were shipt away next Morning, and so out of reach when the Complaint came to us; We desired the *Dutch* to procure new Orders from the Prince, that no Soldiers should pass thro' this Town upon any Occasion, during this Assembly; and of Count *Kinski*, that he would inform himself, whether any of his Servants had been engaged in this Fact; and in that Case, that he would proceed according to those Articles we had offer'd, at our first coming hither, to the several Ambassadors, for preserving the Peace of this Assembly. The *Dutch* promised us their Offices, and Count *Kinski* his Enquiries upon this Occasion, and that they would give us an Account of both.

THE same Evening, we went one of us to the *Suede*, and the other to the *Danish* Ambassador, to let them know, that having considered of the Facility they had exprest to comply with our Desires, about sending away those Persons who had been lately engaged in a Duel here, we were content not to exact the Rigour of what we had demanded upon this Occasion, since it had happen'd before any Reglement had been agreed on in the Case; and that we would only at present take this Occasion of offering a new Article, which should reach all such *Rencontres*, and endeavour to preserve the Town, and the Neutrality about it, free from all such Accidents. They both profess'd to take very kindly the Easiness we express'd in this Matter, and to be ready to give their Consent to any Reglements we should propose for the future. And we were indeed forced to give this Turn to that Affair, because

cause we found that without it, the *Suedes* would have excused themselves in what we desired of them; which we thought might have been a Thing of ill Example upon other such Accident, in the Course of our Mediation.

THE same Night, but late, a Secretary from the *French* Ambassadors brought us a Paper, which, he said, was their Answer concerning the *Plenipouvoirs* of the Duke of *Lorain's* Minister, but with *Protestation* against any Prejudice from the Stile assumed there by that Duke, or given to him in the Passports from the Most Christian King; we send you inclosed a Copy of this Paper.

UPON *Friday* Morning, Count *Kinski* came to us, and told us, that having enquired of the Marshal *d'Esstrades* Domestick (whose House was broke open) he found, that he accused only one of his Servants to have been present in the Action; and that tho' his fellow Servants, to clear him, gave Testimony, that he was at the same Hour at his own Lodging, so that the Case seemed very doubtful, yet he had brought him along with him, on Purpose to be left in our Disposal, desiring us to judge and punish him as we thought fit: But upon our excusing ourselves from any such Part, or any other, than that of soliciting the Pursuit of those Reglements we had offer'd in such Cases, he resolved very frankly to put him into the Magistrate's Hands. We acquainted him at the same Time with the *French* Answers, concerning the *Lorain* Powers, which he desired we would communicate to the President *Cannon*, and the other two Deputies of the Allies, who had been with us upon this Affair, to the End, that when they had considered of it, they might let us know their Intentions upon it.

THE same Morning, M. *Ducker* came to us to enquire, whether we had received any further Answer from the *Imperial* Ambassadors about the receiving of his Visits, as Minister from the Bishop of *Straßburgh*; and we imparted to him, what the *Imperialists* had told us the Day before upon this Enquiry, which was, that they could not give an Answer to it, till they knew from him, whether his Master pretended to come into this Treaty, as a Prince that was actually in Arms, or as an Ally of any Crown that was so. M. *Ducker* took Time to consider of this Question, and to consult with his Friends what Answer he should give upon it.

IN the Afternoon, we went to the *French* Ambassadors, and acquainted them with Count *Kinski's* Proceeding against his Domestick, with which they were so much satisfied, as to desire us, that we would intercede for his Servant's Liberty. We gave them the Paper, or Project, which the *Dutch* had put into our Hands; upon which they said, they would consult together; and when they had resolved what was to be said upon it, they would acquaint us with it. We told them, the Allies desired Copies of their Paper, concerning the Duke of *Lorain*; and they were contented they should be given to the several Parties who demanded them, which was accordingly done.

UPON *Saturday*, a new Minister from the Duke of *Holstein Gotterp* came to us, and gave us both *Letters* from his Master, recommending to us the Introduction of his Affair with the King of *Denmark* into this Treaty; and likewise a Book in *Latin*, containing a Deduction of that whole Matter. We answered him, as we had done a former Minister from the same Duke, that we did not well see, how that Affair could be brought into this Treaty, unless his Master were either actually in War, or a declared Ally of some other Prince that was so; at least that we ought first to receive his Majesty's Orders upon it.



## 126 *Letters from the Embassy at Nimeguen.*

THE same Day, we sent for the Magistrates of the Town, and taking notice to them of some Disorders which lately happened here, as well as our Fears of more, and of worse Consequences, upon the daily Increase of the Numbers, we recommended to them, *First*, The forbidding of all publick *Drinking Houses* receiving or retaining any Company after ten a Clock at Night in the Summer, and nine in the Winter. *Secondly*, The ordering of a *Patrouille*, with two Guards, to go constantly about the Streets from nine at Night till four in the Morning. *And lastly*, to take Care of hindring all Soldiers that pass the River here, from so much as entring into the Town, according to the Orders that were given last Summer to that Purpose by the Prince of *Orange*. We remain ever, &c.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 14th June, 1677.*

*Right Honourable SIR,*

OUR last was of the 11th; since which, we have the Favour of yours of the 8th Current to acknowledge; and therein the Care you are pleas'd to have of us, that we be instructed of his Majesty's express Pleasure, touching the Treatment of the second Ambassadors of Electors in the general, and the Stile of *Incivillimus*, pretended to by the *Imperial* Ministers for their Master.

WE hear nothing more of the *Dutch* Ambassador's Project of a compleat Treaty with *France*, whereof we sent you a Copy in your last; nor did we hear till yesterday, of the *Protestation* the *French* Ambassadors had given in to us, and we communicated to the Allies a Week ago.

MESSIEURS *Kinski*, *Heugh*, and *Van Haren*, came, as deputed from the Body of the Allies, and acquainted us yesterday in the Forenoon, that the *French* having accepted of the *Plenipouvoir* that the Duke of *Lorain* had given to his Ministers here, they desired our further Offices in disposing the *French* Ambassadors to shew a *Plenipouvoir* on their Part to treat with those Ministers, and to come to an Exchange of Powers, as hath been done in the like Cases.

As for the *Protestation*, (which was the other Part of the *French* Ambassadors Writing) they, the Allies, did not take any Manner of Notice of it; it was address'd to us, and not to them: They might, they said, alledge many Things, and did remark some Things, to shew the Invalidity of it; but in short, they would not enter into any Discussion of it, but gave us the Copies we had (at their desires) sent them back again. They did observe to us particularly, how very little such a *Protestation* can operate to the Duke's Prejudice, so long after that the Most Christian King had, in his Passport of last Year, given him the Treatment now protested against, and so long after that the King our Master had owned him so frankly, and so avowedly given him the Stile of *Frere* and of *Duc de Loraine*, upon the Notice he had given his Majesty, of his succeeding the late Duke his Uncle.

In the Afternoon, we performed our Office with the *French* Ambassadors, as the Allies had desired us; their Answer was, that they had no special *Plenipouvoir* to treat with the Duke of *Lorain*; that ~~the~~ pretended he should treat as an Ally, and not *de son Chef*: That they de-

desired it might be remembred, how they had desired and press'd, that one *Plenipouvoir* might serve on their Part to treat with all their Adversaries; that it was true, they had been, upon special Reasons, prevailed with to furnish five several Powers, but that they had done it under Protestation to furnish no more; and that they had the Promise of the *Dutch* Ambassadors, not to be importun'd for any more; however, that they could not furnish any more.

HAVING in the Morning received M. *de los Balbases* his *Plenipouvoir*, which he sent us by the Secretary of the Embassy of *Spain*, with a Desire we would communicate it to the *French* Ambassadors, and so come to an Exchange of Powers with them, as the Manner hath been: We took this Occasion to let the *French* Ambassadors know, we were possessed of M. *de los Balbases* his Powers; but they desired to be excused, that they did not exhibit theirs, or come to an Exchange with him; for that his *Plenipouvoir* was not in the Form agreed on, and consequently would give them several Matters of Exception against it, if they should enter upon the Examination of it; that their Powers were in the common Form agreed to, and not capable of being excepted against; and therefore that they had no Reason to exchange their new one against his old one, since he would be able to do no more upon this whole Matter, but to enter into an Act obligatory, to procure on his Part a Power in good Form, which they had already done on theirs. But that they would take our Word, in that we said we had seen his Power, and that they will account him to be *suffisamment autorisé* for this Negotiation on the Part of the Crown of *Spain*. A Copy of his Powers goes herewith.

AN Hour after that this *Plenipouvoir* had been brought us from M. *de los Balbases*, came three Gentlemen with a Complement, as if it had been from the three *Spanish* Ambassadors, but they notified us of M. *de los Balbases* Arrival only, making no Mention of the Arrival of the other two. The Notification was clear and express, the rest of the Complement was somewhat entangled, which gave us Occasion, in the Return of it, (which was done forthwith) to direct the Gentlemen that spoke, besides the usual Complements, to use these Words: — *Et comme leurs Excellencies ont comprises que V. E. desire que leur Visite soit différée jusques à ce que l'Embarras soit levé par l'arrivée des Nouveaux Plenipouvoirs. — ils se conforment entierement aux Sentiments de V. E. & ne manqueront pas de luy faire leur Visite à telle temps qu'elle trouvera à propos de la recevoir & en attendant. —*

M. *Balbases*, in his Answer to our Secretaries, told them, he should have been very glad to have received the Honour of our Visit, but being there was a Difficulty which did arise, not from him, but from his Collegues, he could not separate the Embassy, and therefore that he would expect with Impatience the Arrival of new *Plenipouvoirs*, which will take away the present Difficulty.

WE have since understood, that there was the like Notification sent to the *French* and the *Swedens*, and that they sent their Complement to M. *de los Balbases*, with Directions to treat him *Excellence*, and to the other two, with no more but *vous & votre*.

By the Account we have from the *Swedens*, the Complement to them and to us was not the same, and so they might have Reason to send to complement the other two, which we had apprehended we had ~~not~~, since they did not notify us of their Arrival; and we were glad enough to avoid the Embarrass that would necessarily follow; for if our Secretaries should have treated them with *Excellence*, we should have gone

## 128 *Letters from the Embassy at Nimeguen.*

gone a different Stile from the *French* and *Swedes*, (whom we are directed to concert with in such Cases) and if not, they should have given them less than the *Imperial* and *Danish* Ambassadors do in their own Persons.

THE Duke of *Holstein*'s Minister came to us yesterday, to desire our Advice, whether the Duke his Master should endeavour to introduce his Affair into this Treaty, by his Majesty's immediate Recommendation, or else by declaring himself an Ally of *Sweden*, and interested in the Treaties of the *North*. We excused ourselves to him, as not conceiving it to be any Part of our Business to give Advice to the Parties, who must be presumed best to understand the Measures they have to take. Besides that, we were not sure that any Advice we could give him, would prove the best to be followed, considering the various Turns that Affairs may take in the Course of this Negotiation. He seemed to wonder, and to be disappointed, in that we had not yet received any particular Orders, as he hoped we had had, from his Majesty, touching his Master's Affairs.

WE acquainted M. *de los Balbases* with the Answer that the *French* Ambassadors had given us upon his Powers, sending Mr. *Chudleigh* to him last Night: After that Mr. *Chudleigh* had cleared some Objections that he made, he desired his Complements might be given us, and seemed to rest satisfied, and to expect the coming of his new Powers. We remain always, &c.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 18th Juni, 1677.*

*Right Honourable SIR,*

SINCE our last of the 14th, we have none from you to acknowledge.

THE same Day we acquainted the Allies with the Answer of the *French* Ambassadors, upon the Demand of Powers for the Duke of *Lorain*, and their Resolution to treat with him no otherwise than as an Ally of some of the other Parties engaged in this War, and to furnish no special Power for him, or any other Prince, besides those *Five* at first agreed on.

WHEN we communicated this to the Allies, the President *Cannon* desired our Opinion, whether this could be accepted of *sans blesser l'honneur de son Maître, & la regularité de cette Negotiation*. But upon our excusing ourselves from giving any Opinion in the Point, the Assembly of the Allies took Time to consider of this Matter; and after Deliberation, to give us a further Account of their Intentions upon it.

THEY gave us likewise the same Answer upon a Paper we offered them at the same Time, (and which we send you here inclosed) for preserving the Peace and Order of this Assembly, which we had Reason to apprehend might fall every Day into more Danger, both from several Incidents lately happened here, and from the great Increase and Numbers of so many several Nations in this Place.

WE communicated the same Paper the very same Evening both to the *French* and *Swedes*, who likewise took Time to consider of it, and to give us their Answer; but all of them made us Complements upon our Care in this Matter, as appearing very necessary at this Time.

UPON

*Letters from the Embassy at Nimeguen.* 129

UPON *Friday*, the *French* Ambassadors gave us their full Approbation of that Paper in all its Points; and desired us to hasten the Consent of all the other Parties here; to the End we might give formally a Copy of it to every Ambassador, with an Attestation of all Parties having agreed to it. We remain, &c.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 21<sup>st</sup> June, 1677.*

Right Honourable SIR,

OUR last was of the 18<sup>th</sup>, since which we have not the Favour of any from you to acknowledge.

ON *Tuesday* Messieurs *Kinski*, *Heugh*, and *Van Haren*, as deputed from the Body of the Allies, came and desired our Offices towards the *French* Ambassadors, in the Behalf of the Duke of *Lorain*. They told us, the Allies had judged it reasonable to insist, that the *French* Ambassadors should furnish a special *Plenipouvoir* to treat with his Ministers, for that he was a Prince that was Sovereign and independent; and that his Predecessors had heretofore made several Treaties, as with other Princes, so particularly with the Crown of *France*; they did therefore desire we would make our Instances with the *French* for a special Power, and desired us withal to give in the Pretensions of the Duke of *Lorain*, which they, the Allies, had about three Months ago put into our Hands; being willing, they said, to advance the Business of the Treaty, and that nothing should stick on their Part, in Hopes the special *Plenipouvoir* would be procured in the mean while.

WE take Leave to send you herewith a Copy of the Duke's Pretensions, which being calculated for this Assembly, while he had no Minister of his own upon the Place, we could not think so congruous to what might be now expected; besides that, it was of a much ancientser Date than the *Plenipouvoir*, which must be regularly supposed to bear it. However, neither *M. Cannon*, nor the Allies, would hear of altering it, as being under the Duke's Hand and Seal, and as it was put into our Hands from the Body of the Alliance; so they persisted that we should do our Offices upon the Writing, as it goes now inclosed.

WHEN we opened this Matter to the *French* Ambassadors, as we did yesterday at an Hour we had taken for that Purpose, *M. Colbert* fell into a great Passion upon this Demand of a special *Plenipouvoir*, and would needs have perswaded us, that it was contrary to the Custom of General Treaties in former Times, to have more than one *Plenipouvoir* of a Side; and that it was contrary to the Promise of the Allies, who had declared, that if the Five special Powers, which were then insisted on, should be furnish'd, they would demand no more; and for this they appeal'd to what we could say and remember of it.

WE told him, that if he called on us to witness any such Declaration or Promise of the Allies, we could say nothing to it; only we could say, that the *Dutch* Ambassadors, when the Adjustment of the Number of *Five Plenipouvoirs* was upon settling, had said, that they, for their Parts, could not hinder other Electors or Princes, Parties to this War, naming particularly the Duke of *Lorain*, from demanding special Powers from *France*, when they should come upon this Place, and desire to enter into the Treaty; nor should they be able to refuse their Offices in joining with those Electors or Princes in that Demand,

if they should be required to do it: However, that if those Princes should finally insist to have such special Powers, and refuse to treat without them, they, the *Dutch* Ambassadors, for their Parts, would in that Case *passer outre*, and not forbear Treating, because such special Powers were not furnished.

THIS M. *d'Estrades* was so fair as to acknowledge to be the Truth of what had passed, when the *Five* special Powers were settled; and then withdrawing, (as they did when this Heat was over, and when M. *Colbert* had made another Objection, which was, that the Proposition was signed by the Duke's own Hand, which he should have done by his Ministers) they spoke together, and coming to us again, they took the Proposition from us, but withal told us, that they would be so far from answering what the Allies might hope or expect of a special *Plenipouvoir*, that they would not so much as write one Syllable to Court to ask for it, they knowing very well, that the Most Christian King was resolved not to furnish any more; and that it was against his first Resolution, and merely to save their Credits, which they had engaged a little too far, that he came to furnish *Five* in all; particularly that to treat with the Elector of *Brandenburgh*, in which he had the greatest Difficulty of all.

THEY told us further, that the Nuncio had been with them the Day before upon the same Office, of demanding this special Power for the Duke of *Lorain*, but that they had given him the same Answer they gave us, and had absolutely excused themselves from Writing to Court upon this Occasion at his Instance. This, by the Way, is the First Office that we have yet heard, of the Nuncio's performing between the Parties.

WE having received a *Second* Letter from the Magistrates of *Hamburg*, for our Offices to procure Passports from *France* and *Sweden*, for Deputies from that City to pass to this Place of Treaty, moved them afresh in this Conversation: They did acknowledge we had done it already very often, and that they had written several Times about it, but it was still forgot at Court; they promised to write again, and so did M. *d'Olievenkrantz* for the *Swedes* Part, (whom we call'd upon as soon as we had taken Leave of the *French*) but he complains extremely of the Want they are in of a free Communication with their Court, and did not forbear to attribute it to that Difficulty that *France* makes, to gratifie *Spain* in the like Demand. He thought they must be forced to give us a Memorial upon that Subject, tho' he said it was very *fâcheux* for them to lay any Blame of that Kind upon an Ally of their own.

M. *d'Olievenkrantz*, in this Conversation, told us further, that the *French* Ambassadors had of late made a Proposition to them, that *Sweden* should give Way, that the House of *Lunenburgh* should continue in Possession *d'une Partie* of what is taken from the *Swedes* in the Dutchy of *Bremen*; he said, they kept themselves to those general Words *une Partie*, not telling them any Particulars of what the *Lunenburghers* desired to hold with the Consent of *Sweden*, and yet that they offered nothing in lieu of it, but that that House should stand *Neuter* towards *Sweden* during this War.

THEY, the *Swedish* Ambassadors, excused themselves, he said, from accepting any such Proposition; partly, for the Generality and Uncertainty of it; and partly, for that they had little to hope of fair Dealing in such a Neutrality; for that tho' the Princes should promise it, yet their Troops would be still underhand assisting to their Enemies.

Besides

Besides that, they could not choose but take Notice, how that Game plays at this Time; for the Dukes of *Zell* and *Wolfenbuttel*, have 8000 Men that are joined with the *Brandenburgher* against the *Swedens* in *Pomerania*, whereas those Princes have not above 3000 Men that are to join against the *French*, with the other Confederates on this Side.

THIS we thought more worthy your reflecting upon, because it agrees with what M. *Beverning* told us not long since in private Conversation, that *France* had offered the House of *Luncenburgh* to give their Guaranty, that they should keep their Conquests in the Dutchy of *Bremen*; which, he said, was sufficient to shew them, the *Dutch*, how much they could rely on the *French*, if they should make a separate Peace with them, and thereby lose the Strength which they have from the present Confederacy; since *France* did use the *Swede* in this Manner, who had adventured so much for them. The *French* Ambassadors here, having besides told him, M. *Beverning*, that upon this they would not part with one Village in *Flanders*, in order to restore the *Swedens* to what they had lost.

M. *Kinski* having given us last Night a Hint of his Desire, that we should communicate to the Body of the Allies, the Answer we had had from the *French* about the Business of *Lorain*, we sent to take an Hour of them this Morning, but have it given us at 5 in the Afternoon, by which Time this Post will be gone. We remain always, &c.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 25th June, 1677.*

Right Honourable SIR,

SINCE our last of the 21<sup>st</sup>, we are to acknowledge the Favour of one from you of the 15<sup>th</sup> Current; and the great Satisfaction we received, by the Knowledge you were therein pleased to give us, of his Majesty's approving the Paces we had made, in those two Points discoursed to us by the *Dutch* Ambassadors, concerning the Competition with the *Imperial* Ambassadors, and the Pope's Nuncio. We shall not fail to insist firmly upon the first, and to content ourselves with the same Return we made to the last Point, upon all future Occasions.

WE doubt not but you'll have perceived, by perusing (at Leisure) the Project given us in by the *Dutch* Ambassadors, to be presented to the *French*, that it was the Project of a General Treaty between them, and not of a Treaty of Commerce, as you seemed to apprehend; and thereupon you will easily have remarked, the Difference between the Treaty they now seem to intend, and that which they concluded with *France* in the Year 1661.

WE have since our last communicated to the Allies the *French* Ambassadors having received the *Lorain* Propositions, but at the same Time professed, that they would not so much as write to their Court, upon the Subject of the special Powers demanded for that Duke.

THE *French* Ambassadors have not yet returned any Answer upon the *Lorain* Propositions, nor the Allies any Resolution upon the Refusal of his special Powers.

THE *Dutch* Ambassadors came to us yesterday at an Hour assigned, and desired our Advice upon a Point, wherein, they said, they were in Pain, and at some Difference among themselves; which was, what

## 132 *Letters from the Embassy at Nimeguen.*

Course they should hold, either by formal Protestations, or otherwise in Case the *French* should forbear to return any Answer to the *Lorain* Propositions, as well as continue to refuse the procuring of special Powers.

WE told them, we had Reason to believe they would give an Answer upon the Propositions, tho' perhaps they might first expect the Orders of their Court. That as to the Powers, we believed the *French* Ambassadors would continue to refuse it, as well as the Allies to insist upon it; but that we conceived, notwithstanding both these Resolutions, the Negotiation might yet go on, and that their (the *Dutch* Ambassadors) Business would be, to keep the Allies as much in Temper as they could upon this Occasion.

THEY promised to do so; and being satisfied with our Answer, left off the Discourse upon this Subject, to ask us, whether we heard any Thing more of a Negotiation between the *French* and the *Spaniards* at *Madrid*, for the Exchange of *Flanders*; and when we had told them, we had heard nothing further than what *M. Van Haren* had discoursed to us some Weeks since; they said, they had, by this last Post, received some further Advice of it from *Vienna*, and spoke of it as the most fatal Thing that could happen to us or to them, as well as to the rest of Christendom, upon this Conjunction.

Two Days since, the *Danish* Ambassador came to us, and told us, that *M. Petcum* being arrived here, with the Character only of *Deputé* or *Envoyé extraordinaire* from the King his Master, he intended to visit the several Ambassadors here without demanding the Hand; but that he demanded first a Declaration from the Ambassadors, that the *Envoyez* of their several Courts would hereafter observe the same Stile with the Ambassadors of *Denmark*. We told him, we could only declare what our Orders were in refusing the Hand to all *Envoyez*, and not what his Majesty's Orders should be to his *Envoyez* upon this Point: That for a Result of his Majesty upon it, they must apply themselves to his Majesty's Secretaries of State, by their Ministers at Court; but that we were apt to believe, it was his Majesty's Intention, both because it seemed not to agree that an Ambassador should refuse the Hand to all *Envoyez*, and an *Envoye* of the same Crown should demand the Hand of all Ambassadors; and besides, Sir *John Werden*, who was the first *Envoye* sent abroad from his Majesty, after the Order of Council conceived in this Case, had told us, that he never pretended the Hand of any Ambassador, while he resided in *Sweden* with that Character. We are, &c.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 28th June, 1677.*

Right Honourable SIR,

OUR last was of the 25th; since which, we have the Favour of yours of the 19th Current to acknowledge; wherein you are pleased to let us see, what his Majesty hath determined, as to the Stile of *Inviétissimus*; and also how we are to govern ourselves in the several Difficulties that are like to fall out, both in Relation to the Nuncio, and to the *Imperial* Ambassadors.

SINCE our last, there hath nothing of any Kind occur'd here, that can be worth your Notice, unless it be, that Count *Kinski* having taken  
an

an Hour of us yesterday, came in the Name of all the Allies, to tell us, that they did all give their Consent to those Articles of a Reglement, we had propos'd to them anew, some while ago, and whereof we gave you a Transcript in one of our last. Their Consent, he said, was very entire, without any the least Alteration or Restriction: He gave us likewise Thanks in all their Names, with much of Regard (as he was pleas'd to word it) to the Care and Concern we had had for the publick Peace of this Place; so that now having had the express Approbation of the several Parties to this Reglement, we shall distribute attested Copies of it to remain with each; the receiving of which, being intended to be a Declaration, that each Party holds himself oblig'd.

WE take leave to send you another Copy of that Reglement, because that we have, since our last, found it necessary to add to it one Article more, ('tis the 6<sup>th</sup> in Order) whereby all Parties do consent, that the *Schout* of this Town shall seize and lay in hold any Person that he finds in *Flagranti Delicto*, against the publick Peace: Occasion having been very lately given us for this Addition, by the Escape of a Person here, after he had, in the View of a great many People, killed another on the River Side, while that other was going to take Boat for *Rotterdam*; the Magistrates, upon an Opinion they had of his belonging to an Ambassador, delaying to apprehend him.

*Postscript.*

SINCE the Writing of what is above, the *Dutch* Ambassadors brought us a *Memorial*, wherein they desire our Offices towards the *French* Ambassadors for the Enlargement of some *Dutch* Seamen, that having been taken upon Sea in the *Indies* by the *French*, are brought to *Rochelle*, and other Parts of *France*, where they are detained and treated as Prisoners of War; whereas they, the *Dutch*, have ever since the Beginning of this War, practis'd otherwise towards the *French* Seamen, setting them at Liberty forthwith. We send you a Copy of the Memorial itself, and remain always, &c.

*W. Temple.  
L. Jenkins.*

*Nimeguen, 2 d July, 1677.*

*Right Honourable SIR,*

SINCE our last of the 28<sup>th</sup> past, we have yours of the 22<sup>d</sup> to acknowledge; wherein you are pleas'd to inform us, what has pass'd at Court in the Duke of *Holftein's* Affair, and how far our Offices may be employ'd in it here, by procuring Passports for his Ministers, if desired of us; which we shall not fail to observe, if further Instances be made to us upon that Subject.

UPON *Thursday* Evening, the *French* Ambassadors gave us their *Answers* to the several Papers, which we had given them in from the *Dutch*; which was, that the King their Master was content that the Treaty of Commerce, concluded in the Year 1662, should be re-establish'd between them in all its Points.

• THAT for the two Articles which the *Dutch* Ambassadors had added to it, they said, the King would have a great deal of Consideration for those Representations which the *Dutch* Ambassadors had made upon the



the Article *touchant la Traité forreigne*; and tho' he would not quit a Right so essential to his Crown, yet he might come to some Moderation in it, after the Peace was made.

THAT for the other Points of *Cinquante Sols per Tonneau*, if there were any Abuses committed by the Officers in the Levy or Execution of it, they should be reform'd.

THAT for the Affair of the Prince of *Orange*, the King their Master was content to re-establish him in the Lands of that Principality, as they should be found at the Time of making the Peace; and in the Rights, as his Highness had enjoyed them immediately before the War began, *mais le tout sans Dedommagement*.

THAT for the Buliness of *Maeſtricht*, they would declare themselves *quant on viendra à Traiter plus au fond*.

UPON the first Part of this Answer, when they spoke of re-establishing the Treaty of Commerce 1662 in all its Points, we reflected upon what you had written us lately, concerning some Articles in that Treaty, which not only run up to a Defensive, but in some Kind to an offensive League; and knowing it was a general Treaty of Alliance, tho' they were pleased to stile it only a Treaty of Commerce, we asked them, whether, in what they had said of re-establishing that Treaty of Commerce *in all its Points*, they meant *those Points* only, which concerned Commerce in that Treaty? They answered us, that they meant the whole Treaty *in all its Points*. We told them hereupon, that they might please to remember, that we had given them in from the *Dutch* Ambassadors, the Project of a general Treaty, with all such Articles as they had esteemed necessary; and we desired to know, what Answer we should give them, concerning those general Articles of Peace and Amity? They answered us short, and something slightly, that for those general Articles, they did not see there could be any great Difficulty upon them.

UPON *Friday*, we made Report to the *Dutch* Ambassadors of this Answer from the *French*, and the first Part of it in the same Words they had first used to us, which was the Re-establishment of the Treaty of Commerce of 1662; and added to it, what they told us last, that there would be no Difficulty upon the General Articles of Peace and Amity offered them by us, in the last Project from the *Dutch*. We omitted the *Eclaircissement* they had given us, about the Re-establishment of the Treaty of 1662 *in all its Points*, both in Regard of the Reflexions you had made upon some Articles of it, and because we took it to be properly our Parts, to return from the *French* such Answers as they had thought fit to give us to the Papers and Projects, which we had formerly carried them from the *Dutch*.

THE Answer which the *Dutch* made us upon the whole, was only, that they should be glad, that the rest of the Allies were as far advanced in the Treaty, as they the *Dutch*; and we could not but reflect both upon the Shortness of this Answer, and the Negligence wherewith they received our Report of it, not offering either to mark upon Paper any Heads as we delivered it, nor desiring us to repeat any Word of it, as has been usual, upon the Reports of any Matters of Moment, which have not been made in Writing: This made us see plainly, that the Account we had given them, was not at all new to them, and was only made use of by Way of Form, when they understood one another beforehand by their own Communications together, without any Intervention of ours.

AFTER this had passed, and we found the *Dutch* intended to say no more upon it, we turn'd it into ordinary Conversation, and asked them pleasantly, Whether the Peace were made? And whether they were ready to sign the Treaty of 62, which would do the whole Business between them? M. *Beverning* answered us gravely, that in the Treaty of 62, which was made when they were in Friendship together, the Business of Commerce was not only regulated between them, but there were likewise Articles of defensive Alliance: That they were now in War, and a Peace must be made before Alliances could be thought of; and therefore in their last Project, they had left out the Articles which concern'd the Defensive Alliance in the Treaty of 62, and had given in only such General Articles, as they had thought necessary in this present Treaty, for the restoring of Peace and Amity between them. We pursued this Discourse no further, but ended the Conference with the Talk of current News.

WE yet hear nothing from the *French*, in Answer to the Propositions of *Lorain*, tho' they seem to believe they shall by the first receive Orders upon it; and Count *Kinski* tells us, that the Allies can make no further Pace, till the *French* Answer upon that Point be received; they, the Allies, being obliged to carry on the Affairs and Interest of the Duke of *Lorain* in this Treaty, by equal Steps with the rest of the Confederates. We remain always, &c.

*W. Temple.  
L. Jenkins.*

*Nimeguen, 5th July, 1677.*

*Right Honourable SIR,*

**M**R. *Smith* the Express arrived here on *Tuesday* the 3d, at 7 in the Morning, which was very good Diligence, considering how much he was becalmed at Sea.

THE Letter which he brought us from you of the 29th past, being principally a Summons to my Colleague, gives me Occasion to say little more, but that he, in Obedience to it, hath begun his Voyage down the River this Morning.

I am very glad to find by the same Letter, that Count *Wallenstein* is so fully satisfied in the Matter of the Emperor's Titles; I shall lay carefully what you are pleased to advise of it, lest the *Imperial* Ministers here should happen, upon some new Occasion, to stir up that Affair again.

M. *Blaspiel*, in a Visit he gave me on *Tuesday* last, telling me that M. *Schwerin* was expected to take a Turn suddenly into this Country, but to return again into *England*, took Occasion to say, that he hoped, nay, doubted not, but that his Majesty would still continue his Care of this Assembly, and his Endeavours to give a General Peace to *Christendom*.

I told him, there was no doubt to be made of that, notwithstanding that his Majesty might expect much more handsome Returns to those infinite Pains, and to that Zeal of his, as General Mediator, than he does in those impudent and malicious Reports that had been spread in this Country, and in this very Town, upon the Occasion of his Majesty's equipping some Men of War for the Safety and free Trade of his own Subjects.

HE acknowledged there had been Reports here that were *fort injurieux* (that was his Word) *à sa Majesté*, but that he did not believe them;

them ; besides that, when they were first noised Abroad, he was fully satisfied with the Advice that the *Brandenburgh* Minister sent them from the *Hague* ; it was, that that Minister speaking with the Pensioner *Fagel* upon those Reports, the Pensioner despised them with some Indignation, *Ce sont des Coquins*, said he, *qui font courir de tels Bruits, nous n'avons pas le moindre sujet de nous plaindre de la Conduite de sa Majesté Brittanique envers nous depuis la Paix faite avec elle, ny rien plus à souhaitter, si non qu'elle se laissât disposer à faire quelque Paix en faveur de notre Alliance.* There passed nothing else that was material in our Conversation.

THIS Day at Noon, the *French* Ambassadors took an Hour of me, their Business was, to desire my Offices with the *Imperial* Ambassadors, in order to have Prince *William* of *Furstenburgh* set at Liberty. The Argument they used to me was, that this Assembly being now compleat, and the Parties having entered into Matter, they had Order to renew that Instance which the King their Master had stood upon before the sending of them, the Ambassadors, to this Place ; that he did not indeed persist in it at that Time, because his Majesty had interposed, and taken upon himself to endeavour, that the Matter should be brought to a good Issue ; and for that Consideration, they had made no Preliminary of this Demand ; but that now the Most Christian King finding the Success does not answer his Expectation, he hath ordered them, by the Letters that came in late last Night, to resume the Point of that Prince's Liberty ; and therefore desired my Offices upon it.

I told them, that this was an Affair in which his Majesty had been pleased to concern himself, and that his Minister at the Court of *Vienna* had made several Instances ; particularly for the Temperament of having him *sequestred* into a third Hand ; that I knew not in what State that Negotiation was at the present, as to his Majesty's Part in it, only that we here were not yet instructed to make any Step in it in this Assembly in his Majesty's Name.

M. *d'Avaux* replied upon me, they knew very well his Majesty had done great and good Offices, and did so still in this Matter ; they doubted not, he said, but as I would write of this Instance of theirs to Court, so in Time his Majesty might be pleased to order, to have it pursued further in his own Name ; in the mean time, that they could not forbear requiring the Offices of the Mediation in that Affair, the Orders they received last Night being precise to that Effect ; but as to the Temperament (which I had touch'd upon) of *sequestering* him, M. *d'Esstrades* said, their Orders were not to compromise it in that, but to demand he should be set at Liberty. I remain, &c.

*L. Jenkins.*

*Nimeguen, 9th July, 1677.*

*Right Honourable SIR,*

IN my last, which was of the 5th, (since which I have not any from you to acknowledge) I gave you an Account of the Instance that the *French* Ambassadors desired should be made in the King their Master's Name, for the Liberty of Prince *William* of *Furstenburgh*.

NEXT Morning, at the Hour given me, I performed my Office with M. *Kinski* alone ; (M. *Stradtzman* not being in Town) he told me, he foresaw the greatest Difficulty that would be in this Affair, partly, because of the Scandal that Prince *William's* Crime had given, partly because

because that the Reputation of the Emperor, and his Justice, (as a Lord over his Vassal) was much interested in the Affair.

HE would have known of me, whether the *French* did demand that Prince's Liberty as a Matter of Right and Justice, or else as a Grace and Favour that the Emperor might do him: But being desired to consider, this was no more than the renewing of a Demand that the Most Christian King had made long ago, and before the forming of this Assembly, and to make his own Judgment upon that Question, he enquired no further into that Matter. Then he asked me, whether I made this Instance by any Direction from his Majesty? I told him, not; that this Motion came upon the Instance of the *French* Ambassadors only, and upon Orders they had received by the last Dispatches from their Court.

AT last he told me, he would charge himself to represent this Instance of mine, being made at the Requisition of the *French nuëment & simplement*, to the Court at *Vienna*. But his final Resolution was, that he desired a few Hours of me to look upon his Papers, and then he would bring me his Answer himself; desiring that what had passed between us, might go for Discourse only in ordinary Conversation.

HIS Answer that he brought me within a few Hours after, was to this Effect:

1. THAT the Point of the Prince of *Furstemburgh's* Liberty was a particular Affair, and the Interest of a particular Person; and consequently such that he did not think ought to have Place in the Negotiations for the General Peace.

2. THAT he, for his Part, had been sent hither to attend the Affairs of the General Peace only, and for that Reason could not intermeddle in a particular Affair of this Nature.

3. THAT the Prince of *Furstemburgh* is accused of a Crime committed against the Emperor and the Empire, and that it is *le Sentiment de sa Majesté Imperiale*, that he should answer it, not in this Place, but in another; that is, *in foro competente*, as he was pleased to express it twice or thrice.

ON *Saturday* Morning, I gave an Account of this Answer to the *French* Ambassadors, who, after they had made some Reflexions upon it, in saying, that this could not be reputed a particular Affair, for that it had been the Cause of the breaking up the Conferences for a General Peace at *Cologne*; and that the Prince is so far from being guilty of any Crime against the Emperor and Empire, that the very Treaties he is charged to have made for the Elector of *Cologne*, wherein there was still a *Salvo* for the Empire, are an abundant Justification of him; they concluded, that they could do no more in this Affair, but acquaint their Master with this Answer, and desire me to give his Majesty an Account of it likewise.

I had no sooner given an Account of this to the *French* Ambassadors, but I perceived from M. *Ducker*, they had been to demand the Nuncio's Offices in the same Point; but it did not appear that he had yet performed it with M. *Kinski*; 'tis probable he hath done it since, but I have yet learned nothing of the Answer, or the Success.

ON *Thursday*, late in the Evening, M. *de Beverning* brought me the two Memorials inclosed, desiring my Offices upon them to the *French* Ambassadors.

THE *one* is a Complaint of the Infraction made upon the mutual Accord between *France* and these States, for the Liberty of Fishing to the Subjects of each respectively; the Privateers of *Dukirk* having

## 138 *Letters from the Embassy at Nimeguen.*

taken four of the *Dutch* Busses, to the Ruin of those poor Peoples Voyage, and other Damages and Cruelties, for which they desire full Reparation.

THE *other* Memorial was, that the States having received Informations of the ill Treatment that the *Dutch* Soldiers, who were taken Prisoners at the Battle of *Mont-Cassel*, do meet with in several Places of *France*, particularly at *Abbeville*, where they are ill treated, not only for the Place of their Imprisonment and Nourishment, but in *Regard* of the Reformed Religion which they profess; their Desire was, that the Most Christian King might be moved by his Ambassadors, to give the necessary Orders for the treating of those People with some Civility, and especially with all Sort of Liberty for their Consciences, according to the Usage every where received by the Law of Nations.

NEXT Morning, having taken an Hour of the *French* Ambassadors, and opened these two Points to them, they made no Difficulty to charge themselves with the *First* Memorial, and to promise their good Offices upon it, since it was in Favour of a mutual Accord between them and the *Dutch*. For the *Second* Memorial, M. *Colbert* storm'd at it mightily, they must not, he said, charge themselves with it by any Means, it being a Libel, very injurious to the King their Master's Reputation: He said, the Informations to the States were from one *Roquesseviere*, (that passed here in the Quality of a Gentleman of M. *d'Avaux's* Train, but is now gone over to their Enemy) he called him *perfidé & traître*, tho' while he was here, they seem'd to set a great Value upon him; the ill Treatment of the *Dutch* Prisoners, they would have to be the more improbable, for that the Officers which are now Prisoners in *France*, do from all Parts write hither to their Friends, with very great Commendation of their Treatment where they are; and for the Matter of Religion, they would not allow there could be any suffering for it, or Distinction made about it in *France*, especially at *Abbeville*, where one half of the Town is *Protestant*.

THE Issue was, they would charge themselves with this second Memorial, but refused to take it from my Hand; tho' M. *d'Estrades* afterwards whisper'd me in the Ear, that they would touch a Word about it in their Dispatch of that Day.

M. *Haren*, when I gave him an Account of this Answer, told me, (his Colleague being not in the Way) that he could not believe the States his Masters did come to a Resolution (such as their Memorial is grounded upon) upon a wrong Information; and that he was certain, there was a different Treatment shew'd those poor People, according as they happen'd to be of the one or of the other Religion.

M. *Beverning*, after he had discours'd on *Thursday* upon the Subject Matter of his Memorials, and recommended them to me, set himself into a Discourse of the present Motions of the Armies, and the little Probability he thought there was of any important Change, that the State of Affairs may receive from the Operations of those Armies this Summer. Then he spoke of the Necessity they, the *Dutch*, would be in, to make a Peace this Winter; *nous croverons autrement*, was an Expression he us'd. And speaking further of the weak Defence the *Spaniards* had made of the Places they had lost in the *Netherlands*, and that there was no Way of saving the few that were left, but by putting in their Troops into them this Winter for their Defence, he presently recalled himself, that that could not be, for that they must make up a Peace this Winter. I am ever, &c.

L. Jenkins.  
Nime-

*Nimeguen, 12th July, 1677.*

Right Honourable SIR,

**M**Y last was of the 9th, since which I have not the Favour of any from you to acknowledge.

THAT same Evening M. *Ducker* brought me a *Plenipouvoir* from the Bishop of *Strasburgh*, in which all Mention of Prince *William* of *Furstemburgh's* Imprisonment and Interests are left out, which were, as we conceived, too much enlarged upon in a Power he offered us some Months since. You will see the Tenor of it by the Copy herewith inclosed. He desired my Offices in presenting it to the *Imperial* Ambassadors, and in leaving a Copy with them. He left with me also the Copies of six several Passports for himself, that is, from the Emperor, from *Spain*, from *Denmark*, from *Sweden*, from *Holland*, and from *Brandenburg*; the Copies whercof go herewith inclosed.

M. *de Kinski* (who is the only *Imperial* Ambassador now in Town) being indisposed, I have not been able to perform my Offices on M. *Ducker's* Behalf, who supposes that the exhibiting of so many Passports will be a sufficient Answer to the *Imperial* Ministers, upon that Question they made us, when we made heretofore our Addresses for his being admitted to visit them: The Question then made was, Whether his Master came in as an Ally to any Party against the Emperor, or not? M. *Ducker* now says, that if he be put upon it, he will own, that the Most Christian King has accorded to his Master the Honour of his Alliance; but he had much rather his Master were understood as a Prince that has never entered into any Alliance against the Emperor or the Empire; but desires heartily to return into the Emperor's good Graces, he having not made his Retreat into *France* for Protection and Shelter, but at a Time when he thought his Life could not be secure without it.

M. *Ducker*, I perceive, makes Use of the Nuncio's Mediation, for the Admission he desires of his Power, and for the receiving of his Visits.

YESTERDAY M. *Heugh* took an Hour of me for himself and M. *Petcum*, whom his Secretary that took it styled, *Deputé Extraordinaire & Conseiller de sa Majesté Danoise*.

I received M. *Heugh* at the usual Place I do receive Ambassadors when they come to see me; I saluted M. *Petcum* that came after him; but when I had done, I cut between them both; when we came to the Room to sit down in, there was no more but one Chair for M. *Heugh*, and another for me, in the Manner usual between Ambassadors. When we two had taken our Places, I ordered a Chair to be taken out, and set for M. *Petcum*, but it was upon my Left Hand, and upon the same Level towards the Door: At this Treatment they seemed to me to be much out of Countenance, however, they digested it, M. *Petcum* treating me all the while *de Monseigneur*; and saying in the Close of our Conversation, he had visited me as a Mediator in the first Place, and he would visit the Ambassadors of all Crowned Heads without pretending to the Hand, but not the Ambassadors of Electors.

M. *Heugh's* Business was, as he told me, to bring M. *Petcum* *Deputé Extraordinaire* and Councillor of his King, to renew his Acquaintance with me.

2. To give me Part of the Victory against the *Swedes*, adding, that his Majesty, considering his Relation to, and Alliance with the King

of *Denmark*, would bid welcome to this News; which gave me an Occasion to insinuate to him, that I thought his Majesty's Wishes, as the common Mediator of Christendom, were, that the Operations and Events of this War might all contribute to a General Peace.

THE *third* Thing was, to desire my Offices in discovering whether the Ambassadors here would receive M. *Petcum*, and treat him, M. *Petcum*, as a Minister of the second Order, without their respective Masters pretending other Treatment to their Ministers from the Ambassadors of the King of *Denmark*, when such Ministers should happen to be of the second Order.

MESSIEURS *Heugh* and *Petcum* both told me, they did not suppose there would be much Difficulty with the Ambassadors of *France*, for that *England* and *France* had established a Rule for the Treatment of *Envoyez* in Ambassadors Houses in the Court of *Sweden*, in Sir *John Werden's* Time, whom M. *Petcum* cited particularly; the Ambassadors of those two Crowns not giving the Hand to Ministers of the second Order in their Houses, and those Crowns not pretending the Hand from Ambassadors of other crown'd Heads to their Ministers, when they are no other than of the second Order.

THEY forewarned me, I should find Difficulties with the *Spaniards* and *Imperialists*, who are not willing to enter into any such Stipulation: They told me further, that they, the *Danes*, would have a Difficulty on their Part with the *Brandenburghers*, and therefore desired me to sound that Ford; for tho' M. *Petcum* does not as *Deputé* Extraordinary (which they told me was the same Thing with *Envoyé* Extraordinary) pretend the Hand in their own House from such Ambassadors of Crown'd Heads as are content to have their own *Envoyez* Extraordinary so treated by the *Danish* Ambassadors; yet that he did pretend it from the *Brandenburghers* for two Reasons.

THE one, that the *Dutch* Ambassadors had given him, M. *Petcum*, the Hand in their House here, in Conformity to a Resolution of their Masters, passed in Favour of *Envoyez* Extraordinary; and it being certain, the *Brandenburgh* Ambassadors can pretend to nothing, unless it be by Way of Competition, above the Ambassadors of the States General, 'tis but just that the *Brandenburgh* Ambassadors, who are newly entered into the Possession of an equal Treatment with the *Dutch* Ambassadors, should be content to be differenced in this Point from the Ambassadors of *Crown'd Heads*, in the same Manner, and with the same Condescension towards Ministers of the second Order, as the *Dutch* Ambassadors have been pleased to difference themselves in, all this while; and both M. *Heugh* and M. *Petcum* told me, that as the Answer of the *Brandenburghers* had been, when they were sounded by others in this Point, that they would write about it; so they, the *Danes*, are resolved, that M. *Petcum* shall not visit them, unless they will stipulate expressly their Hand to him in their House. They gave me leave to do these Offices (as they were pleased to word it) at my best Leisure, desiring I would not make a Business of it directly, but rather discover the Inclinations of those Parties that are like to be difficult, by the By.

YESTERDAY M. *d'Avaux*, in an ordinary Visit, told me, that M. *de los Balbases* was not *Vu de bon oeil à Amsterdam*, the People there having their Hearts set upon a Peace, to which they think the *Spaniards* are no Friends. There are three of the Gentlemen the most *adroitz* in the whole Train of the *French* Ambassadors, that have a Passport to spend a Fortnights Time in *Holland*; they say, the Passport hath

hath been a great while fought for them, but they have not been able to obtain it till now.

M. *d'Avaux* further says, that the great Expectation now is, what his Majesty will be pleas'd to lay before all the Parties, as a *Plan* for the General Peace; which he looks upon, he says, as a desperate Business, if it be not finished this Winter, by the Authority of his Majesty. He told me, he hoped that they, the *French* Ambassadors, may by this Day's Ordinary receive an Answer upon the *Lorain* Proposition, the Want of which, the Allies say, *accroaches* the whole Negotiation at this Time.

M. *Beverning* has taken a Turn on *Monday* last, to his Country-House in *Holland*, as 'tis given out here, and not to the *Hague*.

M. *d'Avaux* hath had some Intimation, that the *Spanish* new Powers are at last arrived; and he told me, we may 'ere long expect to hear of all the *Spanish* Ambassadors appearing in publick, and receiving Visits.

M. *de Haren* told me this Day, that the Powers are for certain come, and that he had had a Copy of them sent him this Morning; and did much wonder, that the Originals themselves had not been yet communicated to me. He told me withal, that he and his Colleague had talked to M. *de los Balbases*, about three Weeks ago, of giving the first Respect in Matter of Notification to the Mediators; but found him very *Opiniâtre*, he said, to give it first to the Emperor's Ambassadors, and then to the *Mediators*; whence it may be guessed, what we are to expect in that Point.

SINCE the Writing of what is above, I have the Favour of yours of the 13<sup>d</sup> Current to acknowledge; and therein his Majesty's gracious Directions, how we are to govern our selves here, when there is Occasion given, upon the Point of Prince *William* of *Furstemburgh's* Liberty. I am likewise humbly to acknowledge the Copy I find in it of his Majesty's Letter to the King of *Denmark*, upon the Duke of *Holstein's* Concern: As also the great Satisfaction you give me, in that I am not to be here long alone, Mr. *Hyde* having Orders to depart forthwith to his old Post, where I shall be most glad to see him.

M. *Petcum* left with me a Copy of his Commission, with a Desire I would take Notice of it to the Parties here, as I should have Occasion; a Copy of which goes herewith; if I mistake not, he is made no less than a Plenipotentiary by it. I remain always, &c.

*L. Jenkins.*

*Nimeguen, 16th July, 1677.*

Right Honourable SIR,

MY last was of the 12<sup>th</sup>; since which, I have the Favour of yours of the 10<sup>th</sup> to acknowledge; and therewith a Copy of a Letter from his Majesty's Ambassador at *Paris*, to Mr. *Secretary Coventry*, touching the Treaty of Commerce to be re-established between the *French* and the *Dutch*; upon which Point his Majesty is pleas'd to direct, that I should try to find out, what is the true State of that Business, and whether it be intended, that the first eleven Articles of the Treaty in 1662 should be inserted, and make a Part of this Treaty.

UPON



## 142 *Letters from the Embassy at Nimeguen.*

UPON this Point, I shall take leave to give you as distinct an Account as I can, of what passed between the *French* Ambassadors and my self yesterday at their House, where I had taken an Hour, in Order to know, whether they had any Answer or no upon the Business of *Lorain*; Messieurs *Kinski*, *Heugh*, and *Van Haren*, having, as Deputies from the whole Alliance, desired my Offices on *Saturday* to that Effect. They began with telling me, after I had performed my Offices, that the Gentleman I had sent, had just prevented theirs, they having ordered an Hour to be taken of me. Their Business was, partly to give their Answer upon the *Lorain* Propositions, and partly to come to an *Eclaircissement* with me (but it should be *par voye d'Amitie*) only, in a Business that concerned them very much,

THEY had understood, they said, from M. *Courtin*, that his Majesty was extremely dissatisfied with the Proceedings here between these Ambassadors and the *Hollanders*, in that they intended to re-establish between them the Treaty in 1662 in all its Points, and particularly in the 12 first Articles, which concern not the Commerce at all, but are a kind of a League defensive, which is, in certain Cases, to proceed to an offensive; and that his Majesty had had that Information from us here, by Way of an Account that we gave of the Answer that the *French* had lately desired us to convey to the *Dutch*, upon the several Points in Difference between them.

THEY did not deny the Words *in all its Points*, but said, they had expressly limited them to the Point of *Commerce* and *Navigation*, and had said, *que quant au Commerce & à la Navigation que le Roy seroit Content que le Traité de Commerce de 1662 fût établi en tous ses Points.*

THEY were very earnest to persuade me, that they did not, nor could mean any other, in Regard the *Dutch* in their Project had passed over those 12 Articles, and began with the 13<sup>th</sup>, and so forwards; nay, they would needs have it so, that we could not choose but have taken notice of it, since we had handed the Project to them, wherein was to be observed at first Sight, that as it was an Extract of some Articles of the Treaty of 1662, so it began not till the 13<sup>th</sup> Article, and had nothing of a League defensive in it, or to that Effect; M. *d'Estrades* had the Project in his Hand that we had delivered them, to convince me.

ANOTHER Thing they said, that the Directions that the Most Christian King had given them, how to make their Answers upon the several Points, where he speaks of his being content to have the Treaty of 1662 re-establish'd; he limits his Directions — *à l'égard de la Navigation & du Commerce*; and then M. *Colbert* read me a Line or two out of that, which, he said, was the Original Directions of their King upon that Point: Concluding, that it was highly improbable, that they should so grossly mistake, or so boldly vary from their Orders, as to take in foreign Matter, which the *Dutch* never demanded, nor the *French* never meant to agree to.

THIS being so, they said, the *Dutch* having never demanded, nor they answer'd any Thing upon 12 Articles, they desired I would do them that Justice, as humbly to represent to his Majesty the Particulars abovementioned, and which M. *d'Estrades* did press very much that I would bear them Witness they had not, when they said the King their Master was content to have the Treaty of 1662 re-establish'd *in all its Points*, added any such Thing particularly, and by Name, as that  
the

the 12 *first Articles* were to be taken in; for so it seems M. Courtin had represented the Account of this Thing we had given to his Majesty.

I begg'd their Excuse, that I was not able to charge my Memory of a sudden, nor to give an Account of the precise Words we may have used, in our Report to his Majesty; only I was able to tell them so much upon the Strength of it, as that we had represented those Words *en tous ses points*, as Part of their Answer; but that I was very confident, and did aver it to them, that we had made no Mention of those 12 Articles, as if they had in their Answer taken them in expressly by Name, as well as the following Articles from the 13<sup>th</sup> downward; for that I could not call to Mind, that there was any Mention made, either by them or us, of a distinct Number of Articles, with Reflexion upon them, as they related or not related to the Commerce.

As for what we might have observed (as they would have it) from the Project itself, since it is pretended to be no more than an Extract of so much of the Treaty of 1662, as concerns the Commerce only, and that it begins at the 13<sup>th</sup> Article, I told them that, for my Part, the Notion I had of it at that Conference was somewhat confused, it was a long while since it has passed our Hands, the *Dutch* having not left a Copy with us, as is usual, but had pressed us to hand it over to them, the *French*, in all Hast, that the *French* Post of that Day might not be lost, which we did accordingly; and had no Copy from the *Dutch* till we were forced to remind them of it, and that was some Days after we had received that Answer from them, the *French*: However, that I was confident they would not say, that when, in their Discourse to us, they had said they accepted the Treaty of 1662 in all its Points, they had at that Time limited their accepting it from the 13<sup>th</sup> Article forward, or any such Thing.

BESIDES, I had a Notion, I told them, at that Conference, that they said the Words *en tous ses points*, the rather for that the *Dutch* might have made some Alterations in the Articles of 1662, and that the Most Christian King chose rather to keep himself to the Letter of that Treaty in all its Points, than to follow the *Dutch*, in the Extensions or Restrictions they may have made of those Articles in their new Project: This Notion M. Colbert allowed to be the Truth of the Thing, but said, it would have been very well had I then called upon them, as I did not, to know whether the Thing was so.

THEIR acquiescing in this Answer of mine, and their laying a great deal of Blame upon the *Dutch*, for not giving us a Copy at the Time they gave us the Project, and their saying that the Want of that Copy must be the Cause that we did not comprehend them rightly at the last Conference, made me think they had talked with the *Dutch* already upon this Matter, and had found that we had no Copy come to our Hands, as we had none from the *Dutch* Secretary till the 7<sup>th</sup> of this Month.

THEY pressed very much for my giving an *Eclaircissement* to Court, in order to satisfy his Majesty in this Point: I told them, that since it was not denied on their Part, but that they used the Words *en tous ses points*, and since it was not pretended, that they ever told us, they meant not the first *Twelve Articles*, but meant in all Points from the 13<sup>th</sup> Article downward, that the further Explication of their own Words was fittest to come from themselves; and therefore I offered myself ready to take it in Writing, as they should please to dictate it, least the failing of my Memory, in carrying of Words, or the changing of those they should use to me, should express the Thing short of what they

## 144 *Letters from the Embassy at Nimeguen.*

they intend; and then, after much Dispute between themselves, M. Colbert and M. d'Avaux together, dictated the Words following, which I take Leave to insert just as I took them from their Mouth:

— *Que la Demande de Messieurs les Estatz étoit partagée en deux.*

*L'une, qui ne regarde que le rétablissement du Commerce & la Navigation: L'autre, les Articles généraux regardant Orange, Maëbricht, &c.*

*La première Demande qui concerne le Commerce, commençant par l'Article 13<sup>me</sup> du Traité de 1662; les dits Ambassadeurs n'ont jamais prétendu répondre sur d'autres Articles que ceux qui sont contenuz dans la dite demande; Et que s'estant Expliquez que le Roy leur Maître concierdroit des mêmes Articles du Traité de 1662. qui reglent la Navigation & le Commerce entre ses Sujets & ceux des Estatz Généraux, il ne se peut étendre n'y expliquer que depuis le 13<sup>me</sup> Article jusques à la fin, & non pas des douze précédents dont il n'y aura esté fait aucune demande, & dont il n'y point question.*

THIS being dictated, I read it twice over, and they told me 'twas their Sense, and desired I would represent it to his Majesty: I did, I must confess, press the more to get something in Writing, for that I perceived, by the Account to Mr. Secretary Cocentry, that M. de Pom-pine would not be brought to any such Thing; and had I perceived that they had had any Order from their King to come to this *Eclaircissement*, I would have desired an Extract of it; but, as far as I could perceive, they came to desire this *Eclaircissement*, not by any Directions from their Court, but upon the Alarm that M. Courtin had given them.

As to their Answer to the *Lorain* Proposition, which was the Occasion of that Part of that Conference, they gave me that Paper back again that we had put into their Hands; telling me, that they could not accept of it; for that it supposes, as it is penn'd, that the Duke of *Lorain* wanted Passports for his Ministers, and had therefore been forced to make Use of the *Imperial*, *Spanish*, and *Dutch* Ambassadors, to manage his Pretensions; whereas at the Time this Proposition was given in, he had his Minister upon the Place, his *Plenipouvoir* had been accepted, and his Vilitis received. That for that Reason they expect the Duke of *Lorain* shall give in his Demands, by his own Ministers, as other Princes have done; and that when his Proposition is given in according to the Forms, they will then answer, and not before.

THEY had a Paper ready drawn to this Effect, which they pretended to have provided for me, for the Help of my Memory; I do not intend to make any Use of it at the Audience I am to have at five this Afternoon of the Body of the Allies, for there is that in it which would be *choquant*, in that they call the Duke of *Lorain* no more but M. *Le Prince Charles*: But now the Allies will see the Truth of what we had foretold them, upon the Incongruity of their Paper with the Matter of Fact; yet M. *Kinski* would needs force it upon us, and M. *Cannon* durst not differ from it.

ON Friday last, M. Sherwood of *Lambspring* in *Hildsheim*, passed through here for *Cambray*; he came yesterday was sevennight from the Duke of *Hanover's* Court, who is upon sending hither a very splendid Embassy, which, he said, was to set out last Week: That Duke has some deep Resentments, as he apprehends, against the Elector of *Brandenburgh*, and the Bishop of *Munster*; — *ils me traitent comme un Chien*, was one of the Expressions he used of them to M. Sherwood; but the Duke seemed not to charge the King of *Denmark*, of whom, he said, he would have Reason to complain, but that he has upon his Hands in *Schoonen*, as much as he can well deal with. All this, I suppose,

pose, relates to some Agreements between them, that are hinted in the Propositions of that Duke, whereof we gave you an Account some while since. M. *Sherwood* thinks the Treaty of that Duke with *France* holds good, tho' it was lately upon breaking; however, the Duke makes good his Quarters in *Hildesheim*, and there was an *Imperial* Minister for 20 Days together in that Town so much *incognito*, that the *French* Minister knew nothing of it. I am ever, SIR, &c.

*L. Jenkins.*

*Nimeguen, 19th July, 1677.*

*Right Honourable* SIR,

IN my last, which was of the 16th, (since which I have not the Favour of any from you to acknowledge) I gave you an Account of the *French* Ambassadors Answer upon the *Lorain* Proposition; at 5 I made a Report of it at the Assembly of the Allies, who received, seated, and reconducted me, (tho' single) as they have been used to do all of us, when we have gone 2 or 3 together.

WHEN I had made my Report, and M. *Kinski* recapitulated it, M. *Van Haren* moved I might be prayed to give it them in Writing *per dictamen*, as his Word was: 'This I made no Difficulty to do, and a Secretary was called in, to whom I dictated over, as near as I could, what I had told them before.

WHEN this was done, I desired I might have a Copy of it, and Liberty to have Recourse to the *French* Ambassadors, in order to know of them, if I had rightly and fully comprehended their Meaning; this the Allies consented to; nor did the *French*, when I shewed them the Paper I had dictated, except against any Thing in it; it goes along herewith; only the Preface is none of mine; the Allies made it: I added the *Salvo — à cet Effet*.

WHILE this Paper was a copying out, M. *Kinski* having told me, as the Mouth of the Assembly, that they would have their usual Deliberations upon the Answer, he and M. *de los Balbases* enlarged upon several Observations, of the many and long Delays this very first Proposition of *Lorain* had endured, having been given in ever since *March*, and had no Answer to this Day; nay, that the Answer I now brought them was perfectly dilatory, since if they should put the very same Proposition Word for Word, into the same Dress the *French* would have it, yet it must go to *Paris* once again to be considered of, before it receive an Answer.

I did not wonder to hear this in the Assembly, but I did wonder that M. *Stradtzman*, in a Visit he gave me some while before, could give me an Account of the Answer, which I had not communicated to any living; but he told me, they had understood by the Nuncio what the Answer would be, the Confederates having (it seems) employed him, as well as me, to the *French*, in order to procure an Answer.

ON *Tuesday* I took an Audience of the *Imperial* Ambassadors, and represented to them, how his Majesty had foreseen that *France* would take up again the Business of Prince *William's* Liberty, as by the last Advices from hence his Majesty had understood they had already done; which gave his Majesty's Thoughts a great deal of Trouble, in Regard they may at last come to press it with that Earnestness, as to make a Preliminary of it, and consequently bring all the Negotiation of this Place to a Stand.

I observed to them, that the same Care that brought his Majesty to be concerned at this Time in this Incident, had given Occasion to the first Applications he had made to the Emperor about that Prince; he foresaw then, that there could be no Assembly here form'd, unless that Difficulty were removed out of the Way; and he foresaw now, that there will be no Progress in these Negotiations, if *France* do reassume their first Resolutions, to have Reason done (as they call it) in the Affair of that Prince, and then stand to it immoveably, as his Majesty apprehends they may: That as our Hopes are greater now the Assembly is compleat, than they could be when there was none formed; so his Majesty has the more anxious Thoughts, that an Incident of this Kind do not disturb or interrupt the present Proceedings; and therefore I desired them to consider seriously with themselves, and then to represent to his *Imperial* Majesty, that whatever Surmises may have been made of the King our Master's concerning himself at first in this Affair, as if he had done it to gratify *France*, there can be none imagin'd at this Time, that makes him to reassume it with a greater Zeal than ever, and to hope and expect some Temperament from the Emperor; but that he sees plainly what Influences this Matter will have upon our Conferences here, as his Majesty's Aim and Desires shall happen to be complied with or not.

M. *Kinski* replied, that the Emperor had always had a special Consideration of every Thing that had come from his Majesty, and that it will be so always, as for a *Great King*, and the *General Mediator*. That that appears plainly in the present Treatment of the Prince of *Furstemburg*, who has all the Liberty and Accommodation that can be thought necessary for his Health, and consistent with the Restraint of a Person in his Case; appealing to me, and the Informations I may have had from Mr. *Skelton*, to verify this; then he enlarged upon the Offence the Emperor had taken, and that so justly, against that Prince.

THE only Thing that M. *Stradtsman* interposed in this Conference was, he gave an Instance by Way of Parallel, putting the Case, that if his Majesty our Master had laid the Hands of Justice upon a Vassal of his own, and then that a Neighbour Prince, having a Difference with him, did give out he would make no Accommodation, till that Vassal were set at Liberty according to his Fancy; and in the next Place, a third Prince should offer a Temperament in the Case; whether the Prince that had laid hold of his Vassal, could with Honour accept of a Temperament, and let him go out of his Hands.

I told them, I had no Orders from his Majesty, to enter in the least into the Merits of that Prince's Cause; my Orders were only to represent how fatal any Rigour or Stiffness would be in this Conjunction, the Emperor not yielding to a Temperament on the one Side, and the *French* sticking upon it as a Preliminary on the other.

As to M. *Stradtsman*'s Parallel, I told them, I did not know but that it was put too much in the General, to take in all the Circumstances of Prince *William*'s Case; nor would I take upon me to determine, how far the Privilege of an Ambassador may suspend the Justice of a Sovereign over his Vassal, when that Vassal is Ambassador of another Prince not his Enemy; especially where the Sovereign hath stipulated to that Vassal as Ambassador, the same Immunities that he hath stipulated to other Ambassadors; and where that is the Case, it would be a higher Question yet, how far a third Prince, Party to the Stipulation, that had Ambassadors of his own upon the same Place, and under the same common Security, may come in and say, the Stipulation and the

Law of Nations was violated, not only in him that suffered the Force, but in his own Ambassadors that suffered it not.

THAT which I desired them to consider was, what it was that the *French* did insist on at this Time, it was for the Prince's absolute Liberty; for what End they desired it, it was to assert a Point of Honour they thought themselves concerned in, and to vindicate the Law of Nations, as they pretend.

ON the other Side, what his Majesty desired; it was a Temperament only; that is, a Sequester; for what End he desired it, it was to preserve this Treaty, for the Peace of *Christendom*, from falling to the Ground; and lastly, whether the Point of Honour on the Emperor's Part, can be thought engaged in this Sequester, where the very Sequester supposes the Hand indifferent to both Parties, and yet accords the doing of any Thing that looks like a Decision, the Prince being answerable still to the Emperor's Justice, if his Character do not excuse him; and if it do, the Irregularities in the Proceedings against him, will be buried in the Oblivion of the General Peace; for we cannot imagine a Peace between the Emperor and *France* to be made, and yet this Prince excluded, since one Word in an Article will do his Business; that is to say, that all Persons in Prison, or else under Sequester, on either Side, shall be set at Liberty.

M. *Kinski* told me, that if the *French* did grow stiff in this Matter, they, on the *Imperial* Part, must not yield; and they were confident, there was nothing more to be done for that Prince, till the General Peace was made up; only they could not choose but observe to me, the Unseasonableness of the *French* stirring this Business at this Time; partly, for that it is an Evidence they have no Mind for the Peace, (for they charge them with the Delays in the *Lorain* Affair, and now that those can be spun out no longer, they have brought this, they say, in the Rear of them) and partly, for that they have stirred it at this very Time, when they, the *Imperial* Ambassadors, are told, that his Majesty, in his Answer to M. *de Burgomanicro*, is pleased to use it as an Argument that *France* wants not good Disposition to a Peace at this Time, in that it leaves the Business of Prince *William's* Liberty, to lie as it hath done, without further stirring it; but if the *French* should now make a Business of it, they said, they knew not how to help it, but must be content to leave this Place, if there be no good to be done for the Peace; the last Words M. *Kinski* delivered very calmly, but with an Emphasis, as if he meant something more than he spoke out.

THE Close was, that they would represent this very faithfully to their Court, tho' they doubted not the same Thing would be more properly, and, as they hoped, more effectually represented by Mr. *Skelton*, his Majesty's Minister there.

M. *Ducker* had some Days before desired me to take an Occasion to give these Ambassadors Part of his *Plenipouvoir*, and of his Passports, with the first Opportunity; I took this to do it, (the Indisposition of the one, and the Absence of the other, not suffering me to do it sooner) but they excused themselves from meddling with either; with the Powers they would not meddle, because their Business and Instructions were to treat with the Enemies of the Emperor and the Empire, or else with the Allies of those Enemies; they look'd upon the Bishop as neither an Enemy, nor an Ally of an Enemy, (and had been lately assured he was no such) and therefore had nothing to do with him.

I told them, the Bishop, tho' neither an Enemy, nor an Ally of an Enemy, but a faithful Prince, as he desired to be reputed, of the Empire, had divers Affairs of Importance to be negotiated in this Place; that he hoped to be restored to the good Graces of the Emperour, to his Voice and Session in the Dyets of the Empire, and to the Estate and Dignity he held in it; and that he thought, if it could not be done sooner, it was to be provided for in this Treaty of a general Peace, and therefore had sent his Minister hither; and that Minister had Letters of safe-Conduct from the Emperor himself, and from five more of the principal Allies in this War.

THEIR Answer was, that those Letters of safe-Conduct from the Emperor were no more, but what was necessary for M. *Ducker* in the Empire, otherwise *on le prendroit par le tête*; and for the Bishop's being restored to what he is divested of by the *Imperial* Dyet, he must apply himself there, and set himself right if he can; there are his proper Judges; here is nothing to be done for him, or against him; and so they would not so much as look upon either M. *Ducker's* Powers or Passports.

ON *Tuesday* Evening, M. *d'Olicenkrantz*, in a Visit he gave me, fell of himself into a Discourse of their Misfortune in the last Fight at Sea, and then of the State Affairs here, observing from several Circumstances, how little likelihood there was, we should come to a Peace this Winter, and yet how great a Need they had of it in *Sweden*, considering the Condition of Affairs: Then he set himself into several Particulars, and desired in the Close, I would represent them to his Majesty, with as much Speed and Secrecy as I could possibly; but withal confessing what he had said was much too long for me to charge my Memory withal, he desired he might have the Liberty to communicate the same Points to me next Day, and then he would have Notes about him, and I should take in Writing, for the more Certainty, what he had to say; which was done accordingly yesterday Morning, but in Confidence, and with a perfect Reliance upon his Majesty's Goodness and Friendship for the King of *Sweden*.

HE began with telling me, that what is now left them, the *Swedes*, in *Pomerania*, is in very great Danger to be all lost; and if the few Towns they have there should make shift to hold out this Campaign, yet that this is the utmost that can be expected, therefore they must secure them, by clapping up a Peace this Winter, or else their footing in *Germany* will be unavoidably lost the next Year. That they have Reason to believe, from some Communications that pass between them here, and the *Holland* Ambassadors, that *Spain* and the States General would procure them a Restitution in *Germany*, that should be considerable, and to their Content, as their Affairs now stand, if *France* may be brought to make a like Restitution to *Spain*. That when this hath been represented to *France*, both at that Court, and to the *French* Ambassadors here, the *Swedes* had for some while but little Hopes given them, tho' they pressed hard, that *France* would either assist them vigorously, as 'tis obliged to do, with Men and Ships; or else, which was the next Way to relieve them in the Difficulties they struggle with, that *France* would come to reasonable Terms with the several Allies for a general Peace.

HE shewed me a Treaty made by M. *Sparr* at *Paris* in *April* 1675; where 'tis provided, that if the Case do fall out, as now it is fallen out, (in that *Denmark* and the States General make War upon *Sweden*) that the Most Christian King will, by himself and his Confederates,



• *Perates*, I attack such Prince or State as should so make War upon *Sweden*, with the greatest Force he shall be able, both by Land and Sea; and that according to the Greatness of the Danger that *Sweden* is in, shall require; and that he will not give over, till *Sweden* hath full Satisfaction made it; the Article is to this Effect, and a Transcript of it goes herewith inclos'd.

• WHEN the *French* are called upon to make good this Article, they answer, 'tis done fully on their Part, in that they make War both by Sea and Land, with the utmost of their Force, in *Flanders*, in the *Mediterranean*, and in the *Indies*, tho' they employ not one Man or Ship against those that *Sweden* has upon their Hands in several Parts, — This Interpretation, he therefore looks upon as too much strained.

BUT now of late, they have some Hopes given them from the *French* Ambassadors, that something will be done for them in the Treaty of Peace; telling them, they have in their Hands in *Sicily* and in *Lorain*, wherewith they may purchase a Restitution for *Sweden*; but 'tis observed, that their Discourse is general, sometimes they name one of those Places, sometimes another, at other Times *Limbourg* and *Maestricht*; but they do not set out for any one particular Thing, upon which they may fasten their Thoughts, and look upon it as a Thing resolved.

BESIDES, these Ambassadors are not well agreed on the Manner, how this is to be brought about; one will have the Allies to be wrought upon, so as to bring them to advance this Proposition of Exchange; another will have the whole Difference between *France* and *Spain* first adjusted, and then the Interests of *Sweden* to be brought on the Board; for when *Spain* has its content, then the Emperor, the *Hollanders*, and *Spain* itself, will come in, and join their Offices (for it is their Interest that *Sweden* be restored).

THE first Method, M. d'Olivenkrantz looks upon as impracticable; for the Allies, he thinks, will never be wrought upon to make a Proposition of Demand of Exchange in Favour of *Sweden*; the other Method cannot be to the Advantage of *Sweden*, nor to the Content of *Spain*, unless the Concerns of the one and the other be settled at the same Time; for the only Hopes and Ressource of *Spain* is, that *France* will, in Contemplation of *Sweden*, enlarge in its Restitution to *Spain*, the Equivalent on the one Side and on the other, being to be the Measure of what *Spain* and *Sweden* shall have restored them; and therefore the Pretensions of those two Crowns must be settled at one and the same Time, or else nothing will be done.

HIS great Hopes are, that the Propositions of all the Parties and their *dernier mot* will be deposited 'ere long, if they be not already, with his Majesty; and that he will, in his Royal Wisdom and Equity, not only adjust all Interests at one and the same Time, but also have a special Care and Favour for *Sweden*; and he thinks there is a Necessity of keeping his Majesty's Plan of Adjustment in what relates to *Spain* and *Sweden*, from coming to the Knowledge of *Denmark*, *Brandenburgh*, and *Lunenburgh*; for those Princes will oppose it all that is possible, and will rather cast themselves into the contrary Interests, than endure *Sweden* to be restor'd.

THAT which troubles the *Swedes* very much is, that the *French* have heretofore made a Proposition, that they would be content that the House of *Lunenburgh* should hold some Part of their Conquests in *Bremen*, and that there hath been some Overture from *France* to that House, to  
give



give them a Guarranty of their Conquests, in Case it would suffer it self to be taken off from the Allies: And it troubles them no less, that the *Danes* give out, (how truly *M. d'Olivenkranztz* knows not) that *France* does offer to give them the Guarranty of *Schoonen*; and that there are little Intrigues and Communications on Foot, particularly that the *Encoye* that went from *Denmark* into *Spain*, now upon his Return through *France*, makes a long Halt at *Paris*, notwithstanding he had been told, that he should not be permitted to come back through *France*, in Case he did not procure the Passport of *Denmark* for *Lillirode*, a *Swedish* Minister then in *Paris*, to return into *Sweden*; which he did not procure, as was stipulated: This has been observed to the Ministers at *Paris*, but 'tis not heeded; *Lindenboeen* the *Danish* Minister sticks there still.

*M. d'Olivenkranztz* said further, that tho' *France* be obliged to procure full Satisfaction to *Sweden*, which must imply certainly a recovering of what it hath lost in this War; yet *Sweden* doth not pretend, that *France* shall part with any Thing, that it can hope to keep in its Hands, and withal make a Peace. He does suppose it must necessarily Part with some of its Conquests in *Flanders*, for the making of that *Barrier*, which not only *Holland*, but all Christendom, (as he phras'd it) was concerned to have fixt; they must part with *Sicily*, else *England*, *Holland*, and *Italy*, will not be satisfied; they must restore *Lorain* too, or else he thinks there can be no Peace: Since therefore *France* will be necessitated, whenever the Peace is made, to let go most, or all these Things; (he named *Limburg* besides) it is but just and reasonable, that it should demand an Equivalent of them, by Way of Restitution to *Sweden*. He closed all with saying, that the King his Master has the greatest Confidence imaginable on his Majesty's Care of him, and Regard towards him, in the great Difficulties he struggles with at this Time; and he does both hope and believe firmly, that his Majesty will be able to prevail with the Most Christian King, to do that for the restoring of *Sweden*, which is suitable to his Treaties, to his Interests, and to the ancient Friendship between *France* and *Sweden*.

YESTERDAY in the Afternoon, *M. Oxenstiern* gave me a Visit, and having taken Notice to me of the Conversation he had understood that had between *M. d'Olivenkranztz* and me, he desired with all Earnestness the Particulars might, with all Speed and Secrecy, be humbly recommended to his Majesty, for his Favour to them, and Care of them in this Conjunction.

HIS Highness the Prince Elector *Palatine*, having done us the Honour to write us a Letter, which *M. Spanheim* delivered us the Beginning of last Month, we had deferr'd answering to it, in Expectation of his Highness's *Postulata*; which, by the Letter, should have been delivered us at the same Time, but were not, upon some Difficulties that the *Imperial* Ministers had upon them, they being since sent to his Electoral Highness to *Vienna*; and it being uncertain when they should be dispatched there, and put to our Management here. *M. Spanheim* insinuated to me, that an Answer would be seasonable to his Electoral Highness upon another Point in his Letter; which was, that he thought, that the signing of his *Postulata* with his own Hand, was a sufficient Mandat and Power to any Minister here, to act and treat for him.

I take the Liberty, upon that Occasion, to lay before his Electoral Highness, (as will appear by a Copy herewith inclosed) what the Usage of this Place is, and how the other Princes, that have gone Ways not agreeing with this Usage, have met with a Stop in their Business.

## Letters from the Embassy at Nimeguen. 151

M. *Spanheim* took Occasion at the same Time to shew me an Original Letter, that the *Imperial* Ambassadors here had lately writ to his Highness, where the Stile in the Top is, *Serenissime Princeps Elector & Domine*; and in the Body all along, *Serenitas vestra Electoralis*; whereto I thought fit for me (under Correction) to conform myself, having already seen how the three *Swedish* Mediators at *Cologn*, and the Duke of *Savoy*, had used the very same Stile. I am, &c.

L. Jenkins.

*Nimeguen, 23<sup>th</sup> July, 1677.*

Right Honourable SIR,

SINCE my last, which was of the 19<sup>th</sup>, I have not the Favour of any from you to acknowledge.

ON Saturday Messieurs *Kinski*, *Heugh*, and *Van Haren*, took an Hour of me, in the Name of the Body of their Alliance; it was to desire I would pass my Offices with the *French* Ambassadors, so as to ask of them, whether, in case the *Lorain* Minister can be prevailed with to put in the same Proposition that they, the *French*, have already seen, they were *En état d'y répondre categoriquement, quant à l'Essentiel de l'affaire & promptement aussi sans ulterieur Recours à leur Cour*; these were their very Words; adding withal, that they desired my Diligence the more, in that the Delays brought upon this Affair would prove a Delay to the Business of the whole Alliance, and to the General Peace itself.

YESTERDAY I had an Hour given me by the *French* Ambassadors upon this Question; they first enlarged themselves very much upon it, as unusual in its Kind, they having never pretended to any such Stipulation from the Allies; they must be left to their Liberty to consult together, and to answer as they should see Cause, and as their Instructions should lead them; that if the Allies made their not answering on the sudden to the *Lorain* Proposition, to be retarding of the Business of this Place, they, the *French*, must take Leave to conclude them, the Allies, to have been in Delay all this while, in that they have not hitherto given it in, in the Form it should be in; but afterwards, considering that the Allies would probably desire the Answer of me (as they did the last Time) in Writing, they contracted it into these few Words: — *Qu'ils sont pretz de recevoir la Proposition de Lorain, & ont Pouvoir d'y répondre dans le temps, & à la maniere qu'ils jugeront à propos* — This was all they desired me to return as their Answer upon the Demand of the Allies.

YESTERDAY, immediately before I had this Audience of the *French*, the *Imperial* Ambassadors had been with me, to desire me to move the *French* for a Passport for certain Deputies of the Chapter of *Strasburgh* to come to this Place, where they have several Rights and Interests to be taken Care of, partly as Administrators appointed by the Emperor and Empire of that Bishoprick, upon M. de *Strasburgh's* being disabled, and partly, as being a Chapter, that have an Estate of their own, and relate to so considerable a Bishoprick in the Empire. When I put this to the *French* Ambassadors, they would not hear of it upon any Terms; they know of no Administrator of the Bishoprick of *Strasburgh* but the Bishop himself; all those others that meddle with his Estate or Concerns there,

there, being such as robb'd him, in their Judgment, against all Law and Justice.

I press'd them with Earnestness to write of this Business to Court upon two Heads; the one was, that the Chapter, considered in itself, without Relation to the Administratorship, might have Concerns to look after in this Place, and being not engaged in any Hostility against any of the Parties, I thought was not to be denied a Passport, it being so considerable a Member of the Empire.

ANOTHER Thing was, that the denying of a Passport to this Chapter, would, in all Probability, beget the like Refusal, upon the first Motions that should be made in the Behalf of *France*, for Passports from the Emperor; which would bring both Parties upon an Inconvenience, that they have found it their Interest hitherto to gratifie one another in, in Contemplation of having it to pass reciprocal.

To the first they told me, that if the Chapter hath any need of a Passport in that Capacity, its regular Way is to move by the Bishop, and then they may be heard, either at the Court where he is, or else by his Envoy here, if they have any Thing to move for in this Place. As for the other Point, that they might come on both Sides at last to the refusing of all Passports; they expected, they said, no other; it being the Design of some of the Confederates to break this Assembly, and to put us out of all Hopes and Possibilities of a Peace; so that, tho' I moved them again and again, I could not obtain any Promise from them that they would write.

IN this Audience with the *French*, they told me, they had two Things to desire my Offices in towards the *Dutch* Ambassadors; the one was, to let them know, that whereas they had complained, in a Memorial we had given them in some Time since, that some of their Seamen were detained Prisoners, contrary to the Usage between *France* and *Holland*, of letting go; that the Most Christian King had caused that Usage or Convention (tho' it be but a tacit one) to be very strictly observed on his Part; and that all *Hollanders* that are Seamen, are let go as soon as they are taken by the *French*, unless they be the Lieutenants and Captains of *Corfsair* Ships, which *France* does always keep in hold; but as for those Seamen they complain of to have been made Prisoners in the *Indies*, they are not taken upon the Sea, but in a Fort at Land, and are treated in the same Manner as those *French* were, that the *Dutch* had taken at *Cayana*; so that these Prisoners have no Pretence to be released upon the general Usage about Seamen.

ANOTHER Thing was, that M. de *Louvois* had answer'd them, upon the Complaint that the *Dutch* Ambassadors had made some while since by us, that the Subjects of the States, that were made Prisoners at *Mont-Cassill*, found very ill Treatment at *Abbeville*, as to their Subsistence, and also to their Religion; that the Most Christian King knows this to be a pure Supposition; and besides that, Prisoners in general are treated with all Humanity all *France* over, the Suggestion is so far from being true, that there are no Prisoners at all at *Abbeville*.

IN the Conference the *Imperialists* had with me last Night, about a Passport for the Deputies of the Chapter of *Strasburgh*, they brought upon the Board a Thing that I did not expect to hear any more of; they had very fresh Orders, they said, from Court, to remind us here of the Defect they had heretofore observed in Mr. *Chudleigh's* Commission, as to the Emperor their Master's Stile and Titles; there had been withal a Copy sent them from Court of an Instrument, wherein his Majesty gives the Emperor the Title of *Inviētissimus*, and they desired

ured me, to take Notice (giving me the Copy in my Hand), that it was not an Instrument address'd from his Majesty to the Emperor himself, but that the Emperor came to be named in it *incidentally*, and in the Concern of a third Person; they observed further, that it was under the Great Seal, and that it was of a very late Date, in 1673, which they rather made Use of, tho' they had Store of others, as M. *Kinski* said, of very ancient Date.

I told them, having cast my Eye upon it, that I had not observed Instruments under the Great Seal to be countersign'd as that was, *ad mandatum Ser<sup>mi</sup>. D<sup>ni</sup>. Regis*; having never observed that in the Stile of the Great Chancery, though I confessed I could not pretend to much of Observation, being not well vers'd in it.

ONE Thing I hoped, I told them, which was, that Count *Wallenstein* had had, since his coming into *England*, such particular Satisfaction in the Point of our Stile, that we should have heard of that no more; since the very Titles and Epithets he laid Claim to for the Emperor, had been agreed to, and fixt between him and one of the Secretaries of State.

To this M. *Kinski* answer'd, that it was true he had had Letters from Count *Wallenstein*, which spoke him very well satisfied in that Point; but he nam'd no Particular, nor did I enter into any, nor so much as mention the Word *Potentissimus*, hoping that, notwithstanding this Instrument now trump'd up, the Business will fall of itself, since they did not move to have Mr. *Chudleigh's* Commission renewed, nor said any more, but that they had Orders to remind us of their Claim, and gave in this Instrument *de melius esse*, as Count *Kinski* worded it: The Copy of the Instrument goes along: I humbly desire your Directions upon it, in case it should come to be stirr'd again. I mentioned to them, upon their pointing out to me the Word *Majori Sigillo*, that the Stile was new to me, and that I thought it might be his Majesty's Privy Seal, and not the Great Seal of *England*.

*L. Jenkins.*

*Nimeguen, 26th July, 1677.*

*Right Honourable SIR,*

MY last was of the 23<sup>d</sup>, since which I have the Favour of yours of the 17<sup>th</sup> Current to acknowledge, and therein an Extract out of the Most Christian King's Letter to M. *Courtin*, touching the Affair of *Lorain*: This Favour I humbly thank you for, and I shall be sure to manage it as you are pleas'd to intimate.

ALL that is new here in that Matter is, that I having given an Account to the Assembly of the Allies on *Monday* Evening, after the Post was gone, of the Answer the *French* Ambassadors had made me, Messieurs *Kinski* and *Heugh* came to my House upon their breaking up, and brought me the *Lorain* Proposition in Form, signed by that Minister, with a Desire I should deliver it to the *French*, and tell them, that since they had by their last Answer declared, — *Qu'ils avoient Pouvoir d'y répondre dans le temps, & à la maniere qu'ils jugeroient à propos*; — they, the Allies, hoped, that the Time and the Manner that they would observe in answering the Proposition now given in to them, would be such as might conduce to the advancing, and not to the delaying of the Peace; that the Proposition was now such, as did not carry any Nullity in it; and that they referred themselves to the Messages and Demands I had carried from them to the *French* Ambassadors.

TO this the *French* Ambassadors answered no more, (on *Tuesday* that I brought the Proposition to them) *but that they did accept of the Proposition, and would examine it*; this Reply will go near to fret the Allies very much, especially if when they come to see the Answer of the *French* upon the Proposition, (which *M. d'Eftrades* whispered me in the Ear some Days ago, will be here in eleven Days,) they do not find it categorical.

I minded the *French* Ambassadors, in this Conference I had with them, of the *Dutch* Fishermen that had been brought up to *Dunkirk*, contrary to the mutual *Placarts* between *France* and *Holland* for the Liberty of Fishing: *M. de Haren* having pray'd me to do it, as a Business of more Consequence than those in the two Memorials I had moved the *French* upon, and whereof I gave you an Account in my last: The Answer was, that when those Fishing Boats were brought into Port, and the Depositions sent to *Paris*, the Ships should be restored, in case they had set out after the Date of the *French Placart*, and not before.

ON *Tuesday* in the Afternoon, all the Ministers here were very much alarm'd, and myself as much as any, with the *Imperial* Ambassadors visiting the *Spanish* Ambassadors in Ceremony with three Coaches and six Horses, and these last returning their Visits to the *Imperialists* within two Hours after (at five), with three Coaches and six Horses apiece, at *M. Kinski's* House; there having been no Notifications given to any Minister in Town, nor the new *Spanish Plenipouvoirs* so much as communicated, or deposited in my Hands.

MY Orders in such Cases being to have Recourse to the *French* and *Swedese*, I found only *M. d'Avaux* and *M. d'Olivienkrantz* at Home; but the *Danish* Ambassador, tho' in this Alliance with *Spain*, came to my House in very great Concern, and desired he might know what Resolutions I took; saying, if I resolv'd to receive no Notification, nor to make any Visit to the *Spaniards*, he would be sure to do the like.

THE *French* Ambassadors being got together, when it was now near 9 at Night, first deliberated among themselves, and then came over all three to my House; I being gone in the mean while to seek them; we met at last at *M. Colbert's*. They began with telling me, they knew I must needs be concerned in this Incident; that they would not take upon them to advise what I had to do, only they desired (the Thing touching them as near as it did me) that we should communicate our Thoughts together, before we came to a Resolution what to do: *M. d'Eftrades* repeated often, their Interest was the same with mine; for tho' they do not dispute the first Respects with the *Imperial* Ministers, yet they are concerned that the *Imperialists* gain no Advantage of his Majesty's Mediation; for his Mediation having had the first Respect given it by the Consent of all Crowned Heads, if the *Imperialists* should have the first Notification before me, the Consequence would be, that the Emperor is a Prince of a *higher Rank* than the other Kings, which *France* will never grant, but oppose it to their utmost; and therefore they were bound to watch this Thing.

THEY were all clear of Opinion, that if what had passed that Day between the *Imperialists* and *Spaniards*, was a Visit made upon the Nearness of Blood and Parentage between their Masters, it could have no Consequence here, the same having been done at *Munster*, and neither the Nuncio there, nor the *French*, resenting it.

BUT then they were of Opinion, that Enquiry should be made how the *Spaniards* understand the Thing; and they judg'd it to be the best Course,

Courfe, that I should go forthwith, and ſpeak with *Don P. Ronquillo*, and enter into an *Eclairciſſement* with him upon the whole Matter; in caſe, they ſaid, *Don Pedro* ſhould ſay, it was a Viſit in Regard of the Nearneſs of Blood between the Emperor and the King of *Spain*, they thought we might receive Notifications, and go on in our Viſits, and not trouble ourſelves further with a Thing that was *hors de rang*, and therefore muſt be *ſans conſequence*, and touch'd not us, it being one of the *Privantes* that are among themſelves.

IN this Caſe they thought it ſafeſt for me to get ſomething in Writing under *Don Pedro's* Hand, by Way of Letter to me, or otherwiſe; but if it could not be gotten, rather than break, that I ſhould content myſelf with his Declaration by Word of Mouth, and make our Complement and Viſit as we ſhould be notified; but in caſe he ſhould pretend to ſay, that they did it in Conſideration of the *Imperial* Dignity, and that the next Regard ſhould be had to his Maſteſty's Mediation, they were of Opinion I ſhould make no Viſit, no more would they.

HEREUPON I went ſtrait to *Don Pedro's*, ſpeaking with the Ambaſſador of *Denmark* by the Way, who approved fully of this Reſolution. *Don Pedro*, when I had open'd to him what I had to ſay, told me, that what had paſſed between them and the *Imperialiſts*, ought not to ſurprize me at all, it being an Uſage long ſince received between the two Branches of the ſame Houſe of *Auſtria*: That he could not imagine it would be interpreted any Prejudice to his Maſteſty's Mediation, or to his Rank as Mediator, the ſame Thing having been done at *Munſter*, without any Contradiſtion of the Nuncio there, who was Mediator, or of the *French* Ambaſſadors, who acquieſced in it; notwithstanding the *Spaniards* were notified by the *Imperialiſts*, and paid their Viſit, and likewiſe received the Reviſit from the *Imperialiſts*, before the *French*; he told me, he ſhould be able to give me an authentick Inſtrument of what had paſſed at *Munſter*, and he hoped, that notwithstanding my Collegues and myſelf here have always profeſs'd, as I did in this Converſation very expreſſy, and often repeat to him to have no Commerce with the Nuncio that is now upon the Place, but to go on in our Function, and to do our Duty with as little of Regard to the Rank, Character, or Buſineſs, that he pretends to here, as if there were no ſuch Man in the World; yet he thought it would be allowed to them to make an Argument, which he hoped would ſatiſſie us, from their Conduſt towards the Nuncio here; his Argument was thus; that not only the Emperor and his Maſter, but the Moſt Chriſtian King (now in Hoſtility with them) likewiſe, are perfectly agreed, that the firſt Reſpect in all ſuch Caſes is due to the Pope's Nuncio, abſolutely and incontestably before any *Imperial* Ambaſſador: He hoped that the Ceremony of that Day being paſſed between the two Houſes, without any Notification to the Nuncio, and conſequently as much really to his Prejudice, as we can pretend it to be to ours, if he ſhould acquieſce, as they doubted not he would, being acquainted with the Ways in the Houſe of *Auſtria*, there would be no Place left for any other to complain.

THE Matter as it paſſed at *Munſter* he repreſented thus: That in the Month of *November* 1645, Count *Trautmanſdorſſe* being *Cheif* of the *Imperial* Embaſſy, arrived at *Munſter*, the Count *de Peneranda*, and the other Ambaſſadors of *Spain* that were there, went and viſited him before they did any other. After he had received this Viſit, he gave Notice of his Arrival to all the other Publick Miniſters, and thereupon

received the Visits, first of the Nuncio, and then of the *French* Ambassadors, and then of the rest.

THESE Visits being thus over, Count *Trautmansdorffe*, in the Beginning of *December*, and before he had taken any Time from any of those that had visited him, to render them their Visits, went and gave his Re-visit to the *Spaniards*, declaring this had been *done jure familiaritatis* between him and the *Spaniards*, as being both Ministers to Princes of the same House. When he had thus done his Re-visit to the *Spaniards*, he went and paid his Re-visit to the Nuncio, and then to the *French*, and so to the rest; nor was there any Embarrass that happened in or upon this Conduct of *Trautmansdorffe* and the *Spaniards*. Besides, *Don Pedro* observed to me, that this had passed between them, before any Communication of their *Plenipouvoir* to me; and that they had not only received the Civilities of the *Imperialists*, but rendered it them, before I, or any other of the Parties, had any legal Notification of their being Ambassadors; which was not to be done, after the Opposition made against the *Spaniards* upon their being no more but Plenipotentiaries, but by giving in their Powers.

FINDING *Don Pedro Ronquillo's* Discourse to run upon this Key; and that he had expressed himself so as the *French* Ambassadors hoped and wish'd he might, the next Thing was, to get from him something in Writing; in Order whereto, I let him know, how precise my Orders were, to stand upon having the first Notification, and before the *Imperialists*; and that if the Interviews between the two Embassies were to be taken for Visits of Ceremony, I was necessarily to break off, and desiring him to judge the Consequences that it would have at this Time; and that I should never be able to excuse the doing otherwise to the King my Master, unless I had wherewithal to shew in Writing, that these Interviews are otherwise to be taken and understood than what passes between Ambassadors *within the Order*, and according to the Forms received in Visits of Ceremony.

IN this he was very difficult, but at last resolved to speak with his Collegues, and in Case they should give Way to it, he was willing to give me something to the Effect aforesaid, in a Letter directed to me, if I should write him a *Billet*, as he term'd it, to ask an *Eclaircissement* in this Point. Whether he should be at Liberty to do this or no, I should understand by his Secretary, that he would send to me; and if so, I was to write him a Letter, as I did, the Copy whereof I take leave to enclose, as also *Don P. Ronquillo's* Answer to it, which you'll find to be to the same Effect of what is above.

IT being one a Clock in the Morning before I received it, I could not communicate it to the *French* Ambassadors, till about eight on yesterday Morning that they were stirring; they having seen the Letter severally, and considered of it jointly, they told me, they took it to be a sufficient Declaration, that what had passed between the two Embassies was of no Consequence to us, and that for their Parts, they were resolved to receive the Notification of the *Spaniards*, and to go on in the Ceremony.

THIS Letter being likewise communicated to the *Danish* Ambassador, he was of the same Opinion, and sent me the Complement he intended to make them, by his Gentlemen, upon the Notification, to ask, as he was pleased to say, my Opinion upon it.

*Don Pedro* had promised me over Night an authentick Instrument, of what *Trautmansdorffe* had done at *Munster*, and it stuck with me till I had seen that, since the main Stress in *Don Pedro's* Letter was  
merely



morely relative to that Instrument, as containing the Practice at *Munster*, which was necessary for me to see, in Order to compare the Circumstances in that Precedent and this Fact: At last, the Secretary of the *Spanish* Embassy brought it (who seems to be a Person of Quality, and a Knight of *St. Fago*) under his Hand and Seal; and the *French* Ambassadors had in the mean while got a View of what was in the Nuncio's Registry, touching the same Fact, so much to the same Effect, that the *Spanish* is, to my thinking, but a Translation of the *Italian*; the Copies of both the *Spanish* and the *Italian* Instruments go herewith enclosed.

HAVING perused both these Instruments, the *French* Ambassadors and I thought the Case was stronger with us here, than it was with the Mediators and *French* at *Munster*; for at *Munster*, there was Part of an *Imperial* Embassy, that had received its Vilit, (Count *Trautmansdorffe* being only the last Comer) here was no *Spanish* Embassy visible, strictly speaking, till the Day after that the *Plenipouvoirs* were put into my Hands; besides, at *Munster*, while the Re-vilit was owing to the Mediator and the *French*, *Trautmansdorffe* re-visited the *Spaniards*, which he could not have done, unless the Re-visit were to be taken *sans Consequence*. Here was no Re-visit owing or Ceremony depending, all was absolved in two Hours Time, and that before any Notice of the *Spaniards* being Ambassadors, nor Notification to any Party; for as to Notification, or any Thing else, that passed between the *Spaniards* and the *Imperialists*, no Body here knows any Thing of it, nor can say any Thing, but that there was before their Doors such a Number of Coaches and Attendants at such Hours on *Tuesday*.

UPON this whole Matter, seeing the Judgment of the four Ambassadors above-mentioned to be clear, that what passed between the *Spaniards* and *Imperialists* was no Visit in Form, nor within its Order, nor of Consequence to any other Ministers; and since they thought, the Precedent of *Munster* fully applicable to the present Case; and since there was no Knowledge of what pass'd between the *Spaniards* and *Imperialists*, but what we have from *Don P. Ronquillo* himself; and since the Nuncio, who, in his Way, pretends the same Thing I do, acquiesced in what pass'd between the *Spaniards* and *Imperialists*, without taking notice of him, I thought it most agreeable to my Duty to joyn with them, and to resolve to receive the Notification, and to perform my Complements and my Visit.

I had the greatest Anxiety possible in this Business, and have still, least what I have done, may not be agreeable to his Majesty's Pleasure. The fundamental Thing that I looked upon was, my Orders, which are to be notified and visited before the *Imperialists*: If what has passed between the two Branches, be neither Notification nor Visit of Consequence to others besides themselves, I hope I have done my Duty, in not turning the Letter of his Majesty's Orders against his meaning, which I am sure, is not to bring an *Accrochement*, as the refusing of my Complement and Visit would have done upon his mediating with, and for so considerable a Party in the War as *Spain* is.

WHAT the *Spanish* Ambassadors have done in this Interview beforehand with the *Imperialists*, has been without doubt in Order to avoid Embarrass with me; and I did not think it necessary for me to run into the other Extream, to enter unavoidably into Embarrass with them; I thought, that in going the high and the plain Way, I should not lose Ground; for when 'tis lost in Point of Ceremony, those lose it that have Recourse to Temperaments and Shifts, as you see there was none



on my Part: But if I be so unfortunate, as not to have understood, as I ought, his Majesty's Meaning and my Duty, I do confess the Thing to be unexpiable, and that no Clemency, unless it be that of his Majesties, can reach it, which I do most humbly implore, and yet submit perfectly to what his Majesty shall please to determine of it.

NOR is this all, for supposing this to be no Precipice, I was upon the Brink of another, which yet (I thank GOD) I have happily escaped. It was ten a Clock yesterday before the *Spanish* Secretary brought me the *Plenipouvoir*, but told me, he did not notify me to make my Complement; there would be Gentlemen that would come to complement me on Purpose, in Order to the Visits of Ceremony. This he told me over and over, for I was a little anxious in that Point, that is, to send as soon as I was complemented. The Gentleman came not in an Hour afterwards. I immediately dispatch'd three Gentlemen, to return my Complement, and to take an Hour for my Visit. The Ambassadors gave me that of six last Night, which I wondering at, as being so late; but I found, upon Enquiry, that the *French* had sent before, and that the Hour of five had been given them.

THE *Danish* Ambassador sent after I had, and the *Spaniards* were so plain as to tell his Secretary, that they had given the Hour of five to the *French*, of six to me, and gave seven his Master; M. *Heugh* was alarm'd at this, and very friendly and generously (as I ought to acknowledge) came and told me of it; and then finding, that I did not think it safe for me, either to endeavour the anticipating of the Hour, or to refuse to go at the Hour I had taken, because I might thereby lose both my Visit and my Pretensions to the first Re-visit, which, I told him, I would stand upon, even before the *French*; but that I resolved to stay my Hour, and then perform my Visit: He very friendly offered of himself to go and have some *Eclaircissement* from Don P. Ronquillo, and to let him know, the Resentment I had of it. Don Pedro told him, that 'twas true, the *French* had five, and I had six; but that the *French* had sent first, and that before they were notified by any Message or Gentleman from the *Spaniards*, that the *French* demanding an Hour, they knew not how to refuse it them, but that their Resolution was, to give me the first Re-visit before the *French* notwithstanding. This M. *Heugh* brought me Word of, and told me, I might rely upon it; M. *Heugh* affirming, he had all the Assurance possible from him it would be so; telling me — *Je vous en seray le Garand*. I thought my self to be pretty well, thank'd M. *Heugh* for his Pains, and resolved to stay my Hour.

THE Nuncio's Auditor came to the *French* Ambassadors, as they told me this Morning, at half an Hour after three; and told them, the Nuncio had now done his Visit, and his Devotion too, at M. *de los Balbases* (for it was St. James's Day, and there was no more than ordinary Solemnity there) and that now they, the *French*, might go and perform their Visit. The *French* told him, that they could not go, till I had perform'd my Visit, and were return'd, and therefore had set some to watch my moving: The Auditor told them, the Hour appointed me was after theirs at six, and would needs have perswaded them; as they say, to perform their Visit before me, it being resolved, that the *Spaniards* should return me the first Re-visit, notwithstanding that the *French* had visited them before me.

IN this M. *d' Estrades* and M. *d' Avaux* do complain, there was some  *finesse Italienne*, and do as much as confess, he has done good Offices, in Order to give them, the *French*, the Start of the *Dane* and the *Swede*; and,

and, if I conjecture not amiss, this Auditor, to overdo it, contrived it so, that they might have the Start of me too, if they pleased. But the *French* Ambassadors told him, they would not by any Means make that Step; for, said they, the *Spaniards* will get great Advantage of us, they will show they know the Respect due to the Mediator better than we do, for they will render him the first Re-visit, notwithstanding he visited after us; and we shall be thought to have not understood the Respect due to him, in snapping up a Visit before him *en la Coupant*, that was their Word: Thereupon the *French* Ambassadors immediately sent a Gentleman, M. *L'Abbe de Menil*, to me, to desire to know, what the Hour appointed to me was; and to tell me, that they were resolved not to see the *Spaniards* till I had done. They sent me M. *Tambonneau* again upon the same Errand; in the mean time they had prevailed with the Auditor to go to the *Spanish* Ambassadors, to tell them plainly, (as all the three *French* Ambassadors told me this Day) they could not visit them till my Visit was over. Thereupon a Gentleman came to me from the *Spanish* Ambassadors, to desire me to advance my Hour; that they were ready to receive me; and that it would be a great Favour if I could come at 5 a Clock, because it would prevent an Embarrass, that otherwise might follow. There went another Gentleman from them to the *French*, to desire that they would respite their Visit till 6 a Clock, which was my Hour at the first; and all this while that I was going and coming, and performing my Visit, the Coaches and the Train of the *French* Ambassadors stood ready in the Streets. I performed mine at 5, the *French* at 6, the *Dane* at 7, and all was at M. *Balbases* House, where his Collegues were present, and received their Visits.

UPON this second Incident, there is this that I hope will be satisfactory to his Majesty, that the Rank of the Mediator is established with *Eclat*, by what the *Spaniards* have declared to M. *Heugh*, that the first Re-visit was due to him, notwithstanding he visited not first; and much more eminently by the *French*, being as they were upon the Wing, and yet refusing to perform their Visit before the Mediator, tho' they had a sooner Hour given them.

*L. Jenkins.*

*A M. l'Ambassadeur Don P. Ronquillo.*

24 Juillet  
3 Aoust 1677.

MONSIEUR,

AYANT appris par la voix commune, que votre Excellence & Messieurs ses Collegues ont receu & rendu cette apres dinée des visites solennelles, & ne sçachant pas concilier ce que vos Excellences ont fait avec les formes receües dans cette Assemblée, à l'observation des quelles le Roy mon Maître est d'autant plus intéressé, que les Ambassadeurs & Ministres de tous les Roys & Princes en cette guerre ont deferé ce premier respect aux Ministres de sa Majesté, comme Mediateur receu de toutes les Parties. Je supplie votre Excellence de me faire l'honneur de m'ecrire un petit mot d'éclaircissement de sa part, & de celle de Messieurs ses Collegues, afin que je puisse voir d'autant plus clairement, & faire ce qui sera de mon devoir, tant envers le Roy mon Maître, qu'envers votre Excellence & Messieurs ses Collegues. Je suis avec verité & avec passion, MONSIEUR, &c.

*L. Jenkins.*  
Responſe

## Response de M. Don P. Ronquillo.

3 ~~Sept~~, 1677.

MONSIEUR;

J'AY reçu le billet de vôtre Excellence, par lequel il luy plaît me demander quelque éclaircissement, au sujet de la visite que nous avons receüe & rendüe cette apres dinée, disant que les Ambassadeurs & Ministres de tous les Rois & Princes auroient deféré ce premier respect aux Ministres de sa Majesté Britannique, comme Mediateur receu de toutes les Parties; & pour réponse je puis dire à vôtre Excellence, que ce que le Corps de nôtre Ambassade a fait, en recevant & rendant la visite à Messieurs les Ambassadeurs de sa Majesté Imperiale, n'est qu'une continuation de ce qui se pratique reciproquement entre les Ministres des deux branches de la Tres-Auguste Maison d'Autriche, si étroitement unies par le parentage, comme vôtre Excellence le scait, Nous en avons eu des exemples dans le dernier Traité de Munster, particulièrement dans ce qui s'est passé entre Messieurs le Comte de *Penneranda*, & le Comte de *Trautmanstorf*, dont s'il plaît à V. E. de voir un instrument authentique, je le luy pourray fournir par le Secretaire de l'Ambassade. Je supplie V. Ex. d'estre persuadée, que nous ne croyons nullement avoir manqué à ce qui est deu à Messieurs les Ministres de sa Majesté Britannique comme Mediateur, puisque nous en avons agi également avec Monsieur le Nonce du Pape, qui precede les Imperiaux, sans qu'ils en aient temoigné aucun ressentiment, J'espere avoir suffisamment éclaircy vôtre Excell. & qu'elle le fera satisfaite pour ce qui peut toucher le respect que nous avons pour sa Majesté Britannique, & qu'elle Croira que je suis veritablement, MONSIEUR, &c.

*Don P. Ronquillo.*

*Don Francois D'Urbina, Chevalier de l'ordre de Saint Jacques, du Conseil de sa Majeste Catholique, & son Secretaire de son Ambassade dans cette Assemblée de Nimegue.*

*à Nimegue le 4 d'Aoust, 1677.*

JE certifie, que des papiers de la dite Ambassade, que j'ay à ma Charge, il Conste, que dans le Mois de *Novembre* de l'an Mil six cens quarante cinq, le Comte de *Trautmanstorf*, Chef de l'Ambassade Imperiale aux Traités de la Paix Generale, qui se firent dans l'Assemblée de *Munster*, y arriva, & que les Ministres d'*Espagne* qui y furent, le visiterent publiquement avant aucun autre, & qu'après cette visite S. E. ayant fait part de son arrivée à tous les Ministres representans, elle receut la visite de Monsieur le Nonce Apostolique, & de Messieurs les Ambassadeurs de *France*, & de tous les autres, & qu'ensuite au Commencement du Mois de *Decembre*, ayant que d'avoir accorde avec aucun Ministre public le temps pour leur rendre ses visites, il la rendit a ceux d'*Espagne*, declarant de la faire comme à des Ministres d'une même maison, & qu'ensuite il rendit visite à Monsieur le Nonce, & aux autres Ambassadeurs,

*Je vous, sans recontrier aucun empêchement ou difficulté. Sur quoy je donne le present Certificat, signé de ma main, & seellé du cachet de mes armes.*

L. Sig:

*Don François D'Urbina.*

*Nimeguen, 30th July, 1677.*

*Right Honourable SIR,*

**M**Y last was of the 26th, since which I have not the Favour of any from you to acknowledge.

IN that Dispatch, I gave you an Account (the exactest I could) how the Visits of Ceremony had passed between the *Spanish* Ambassadors and myself, as also between the *French* and the *Dane*, together with the several Deliberations and *Eclaircissements* we had had touching that Matter.

THE *Brandenburgers* visited them on *Thursday* at 10 in the Morning, but the *Swedes* and the *Dutch* have not yet performed those Civilities. M. *Oxenstiern* was gone out of Town that Morning, when the *Spanish* Gentlemen came to his House, in order to notify him, and is so still, unless he came Home late last Night. M. *d'Olivenkranztz* returned the Complement to the *Spanish* Ambassadors, with an Intimation, that he hoped there had been no Partiality or Inequality, in notifying the *French* and *Dane* sooner than him; and if so, desired to respite his Visit till his Collegue were returned, which would be in 4 or 5 Days.

HE was with me on *Thursday* and *Friday*, to complain of their being unfairly notified, and thought that when his Collegue came Home, they must be forced to come to some *Eclaircissement* with the *Spaniards*, before they do visit them: His Complaint was, 1st, That the *Spaniards* had deposited their new Powers to treat with *France* in my Hands, before the Notification was made, (that the *French* might thereby have an Evidence of their being *Ambassadors*, and not bare *Plenipotentiaries*) but that there was no such Thing done, and no Powers yet given in, in relation to *Sweden*. The 2d Thing was, that the Gentlemen that came to the *French* to notify them, came a quarter of an Hour sooner to M. *Colbert's*, (for they two are one overagainst the other) than those that were sent to notify him M. *d'Olivenkranztz*.

BOTH these Objections may (if I mistake not) meet with a fair Answer: As to the first, I do not take the Case of the *Swedes* to be the same with that of the *French*; for the *French* having above three Months ago procured their new Powers, and put them into our Hands, they had Right to be satisfied with some Knowledge of the *Spanish Plenipouvoirs*, before they visited the *Spaniards* as Ambassadors. But the *Swedes* cannot demand that, partly in Regard their own new Powers to treat with *Spain* are not (that we know of) yet come to Hand; and partly, for that it is not yet agreed between the *Swedes* and *Spaniards* (as it is between the *Spaniards* and the *French*) in what Language these Powers shall be.

TO the other Point, if it do appear (as I suppose it may) that Gentlemen were dispatch'd to M. *Oxenstiern's*, to notify him at the same Time as others were dispatch'd to M. *d'Esfrades*, there is an equal Regard observed towards the several Embassies, tho' there happens to be an unequal Distance between the Houses of the second Ambassadors respectively, and those of the first, in Respect of M. *de les Balbases*, whence the Notifiers set out. Yet these Complaints he would needs

have deposited with me, by way of Advance, that it may appear that he has lost no Time, in case his Colleague and he should think fit to make a Business of it.

THE *Dutch* Ambassadors have not yet performed their Visits, because, as some say, the *Brandenburghers* were notified, at least had the Start before them: The Excuse that M. *Beverning* made was, that his Colleague was gone out of Town for *Friezland* that *Wednesday* Morning, he being returned from *Holland* but late over Night; and therefore desired their Visit of Ceremony might be respited till M. *de Haren's* Return. In the Conversation that I had with him, M. *Beverning*, on *Saturday*, wherein he was pleased to congratulate very much the avoiding of the *Accroachment* that would have risen, had the *Spaniards* visited the *Imperialists* before me; he did not speak any Resentment of unfair Proceedings in the *Spaniards*, as to what related to them, the *Dutch* Ambassadors, but only that he deferred his Visit till his Colleague came Home.

ON *Friday*, at 11 in the Morning, (the Hour that had been taken of me) the *Spanish* Ambassadors gave me the Revisit; at 3 they revisited the *French*; the *Dane* at 4; the *Brandenburghers* at 5, the same Afternoon; going from one House to another in that Order, without returning Home to set out from their own House for each of these Visits; they had done so in the Morning, for they were at the Nuncio's at 10, and came strait from his House to mine; they had 8 Coaches with Gentlemen in them, that followed one the other, the three Ambassadors were in a 9th, and there was a 10th, the richest of all, which followed the Ambassadors, and in it the Dukes of *San Pietro* and *Sesta*.

IN the Complement, M. *de los Balbases* declared much of a Reliance that the King his Master had, upon his Majesty's great Equity and great Friendship; the Effects whereof he hopes to find, in giving him a good and a safe Peace; and he gloried very much to have had the Honour to wait upon his Majesty at the *Pyrenees*; speaking of the Respect that *Don Louis de Haro*, and all that Court, had special Orders from the King of *Spain* to pay his Majesty there.

ON *Saturday*, M. *d'Avaux* gave me a Transcript of M. *de los Balbases* his Letter to the Nuncio, in Order to satisfy him that what had passed between them, the *Spaniards* and the *Imperialists*, was to be of no Prejudice or Consequence to his Rank and Character. The Copy of the Letter I take Leave to inclose herewith. M. *d'Avaux* his Opinion was, that the *Eclaircissement* I had from *Don Pedro*, is fuller than this of M. *de los Balbases*: He took Occasion in this Conversation, to discourse over what they, the *French* Ambassadors, the *Dane*, and I, had resolved and done, and concluded that they had an Interest equal to mine in this Question, to maintain stiffly that the Emperor is of one and the same Order with other Crowned Heads, and to watch that he have no Manner of Advantage of them, but a bare Priority or Precedency in Rank.

ANOTHER Reflexion he had, that the Case is much the stronger with us, than it was at *Munster*, in Regard all the Ceremony between the *Spaniards* and the *Imperialists* was gone through here, before we received any Manner of Notification, or did as much as know certainly that the *Spaniards* had the Character of Ambassadors.

He said further, it was a certain Rule (he gave the Instance) in *Venice*, where he has been Ambassador, that if the *Spaniard* and *Imperialist* (for Instance) do visit one the other with never so much *Eclat* and *Parade*, before the last Corner (the *Imperialist* for Example) sees the

the Prince or *Doge*, that goes for nothing, and *cheques* not a *French* Ambassador at all: But if the *Imperialist*, having seen the *Doge*, shall afterwards notifie and receive Visits from the *Spaniard*, before he notifies and receives Visits from the *French*; in that case 'tis an absolute Breach, and the *French* will not see the *Imperialist* at all.

THIS Rule he applied thus; We, says he, that are Parties, look upon his Majesty, in his Figure of Mediator, as the Prince and *Chief* here; therefore what is done before his Ministers be notified, must be a Thing done *hors de Rang*, and not of Consequence, as it would have been after the Mediator is notified.

I gave you an Account, SIR, in my last, how the *French* Ambassadors had taken their Hour before me, as also what they said and did upon it, in getting it to be changed; *Don P. Ronquillo*, in a Conversation I had with him last Night, will have all the Merit of that Respect given to his Majesty, to be on the *Spaniards* Side; for he says absolutely, that the *French* sent their Gentlemen to take an Hour of *M. de los Balbases*, before the *Spanish* Gentlemen were set out to notifie me, the *French*, or any other of the Parties; and that they made their Complement upon this Foot: "That they, the *French*, called to Mind, "how that *M. de los Balbases* and his Collegues had notified them of "their Arrival some Weeks ago, but had withal desired them to suspend "the paying of their Visit, till the new Powers in Form were come "from *Spain*; that now they had understood by the Nuncio's Auditor, "those Powers were come to Hand; and thereupon concluding that they "might be now admitted to visit them, had sent those Gentlemen to "take an Hour.

THIS Complement being set upon that old Foot, the *Spaniards* did not know how to refuse them an Hour; but that the Auditor coming along with the Nuncio in his Visit, *Don Pedro* took him aside, as he says, while the Nuncio was at his Devotions in their new Chappel, and convincing him how irregular the Thing was, told him in plain Terms, that they must give the first Revisit to the Mediator, not only from the Example of the *Swedens* to us here in the like Case, but much more from the Reason of the Thing. That the Auditor hereupon went strait to the *French*, and acquainting them with what the *Spaniards* were resolved to do, the *French*, judging this would be some kind of Embarrass to them, desired him to return back to the *Spaniards*, to desire them to send a Gentleman to me, to advance my Visit before the *French*; and another to the *French*, to desire them to defer theirs till I had done.

THUS you see, SIR, both Sides challenge to themselves the Merit of this first Respect to his Majesty: However, by that which the *Spaniards* have declared, and by that which the *French* have done, the Point (which the *Swedens* and others seemed once to boggle at) is, I hope, established beyond Contradiction.

As to the Way of Interviews between themselves, it seems the *Spaniards* and the *Imperialists* are resolved to continue it, for *Don Pedro* tells me, that when the Bishop of *Gurck* comes, (who hath made a Halt, some say at *Dusseldorp*, others at *Cleves*, and hath been expected here these two Nights) they, the *Spaniards*, will visit him, and he re-visit them, before any of the Parties be notified; and then the Breach between him and the *French* will be avoided, which would otherwise follow, if he should notifie the Mediator first, the *Spaniards* next, and the *French* in the third Place: Nay, I perceive 'tis intended to be observed between the Ladies too, for Madam *Stradtzman* has visited

## 164 *Letters from the Embassy at Nimeguen.*

Madam *de los Balbases*, in a Stile not yet known among the Women, with Coaches and six Horses; and when Madam *de los Balbases* hath revisited her, then my Lady *Temple*, Madam *Colbert*, and the rest, will be notified in Form.

THE first Opportunity I had to speak with M. *Beccrning*, tho' he came Home on *Tuesday* Night, was on *Saturday* at his House, where I laid before him, the Business of Prince *William*, and the true Grounds that had induced his Majesty to interest himself in a Temperament touching his Liberty. I represented to him the Danger we are in here, of having the *French* make this a Preliminary, and of putting a Stop to this whole Negotiation, till they have what they call Reason done them; that I had, by his Majesty's Orders, laid the Thing very Home to the *Imperialists*; and had the like Order to do the same to the Allies, and that I had begun with him. I let him see, there was all the Reason imaginable to believe, that his Majesty hath no other Motive or End in these Offices, but the preserving of our Negotiations here alive, he having not engaged in them a Year and a half ago, till he saw there was no other Means of getting the *French* to this Assembly, and he not renewing his Office, till he sees the *French* ready to stir the Business anew, and to stick upon it.

HE seemed to be sensible of the Danger we are in of an *Accroachment*, but desired to be excused, if he would not meddle in it, so as to treat with M. *Kinski*, he desired me to forbear my Offices till the Bishop of *Gurck* comes; (who is expected here every Hour) he is his old Acquaintance; he has the Secret of the Emperor's Affairs, and is much more tractable in Business than M. *Kinski* is; besides that, M. *Stradtsman* will be found to concur wholly with the Bishop, and not with M. *Kinski*; in the mean Time, he and I have resolved to turn over our Papers, to see how far it can be made out, that the Emperor has come towards a Temperament, in any of his Declarations, that he or I may have in our Hands.

LAST Night, I acquainted *Don Pedro*, as another of the Allies, with the Orders I had to speak to him and his Collegues, about the Business of Prince *William*. He would needs understand this as a new Menace of *France*; and therefore that they, the Allies, and the Emperor, must treat it accordingly: Then he fell to the ripping up of the Memorial, that the *French* printed in 1675, about the coming of their Ambassadors hither, and the Wrong that was done to his Majesty in that Memorial: Then he fell upon the Answer to *Burgomaniero's* Memorial, and the Sharpnesses in it, whereby all the Blame is laid upon *Spain*; particularly, that they have not given in any Propositions for a Peace to his Majesty, as the *French* have done, whereas they thought this to be the proper Place to give in their Propositions, and that what they had given in, was a sufficient Ground for a Peace. He would not advise me, he said, to bring this Business of Prince *William* to their Assembly, nothing will be done in it to Effect, nor in any Thing else, till Sir *William Temple* do return with his Majesty's Plan, upon which all Parties may make a Peace; then the Business of Prince *William's* Liberty will not be of Importance great enough to hinder the Peace, if in other Points it can be adjusted.

JUST as I am gone thus far, M. *Beccrning* comes in, and having begun with Complaints against the *Dunkirkers*, two of those Privateers having taken up no less than 26 of their Herring-Busses, and put them to Ransom, contrary to the reciprocal Liberty agreed for the Fishermen; he passed to other Business of greater Importance, as he said, with ask-

Asking me; whether I had any Letters out of *Spain* by this last Ordinary, and any News of the likelihood of a separate Peace between *France* and *Spain*.

I told him, as it was very true, I had, both of the 1<sup>st</sup> and 15<sup>th</sup> of this Month, *N. S.* but little or nothing in them touching our Negotiations here, only of the Changes of the Ministers at Court, and of the Fight in *Catalonia*: He told me, he had Advices of the 15<sup>th</sup>, that alarm'd him very much; and that which moved him most in them was, that Sir *William Godolphin*, his Majesty's Ambassador there, is said to be talk'd to *fierement* every Day more than other, with Expressions, that if his Majesty do not hold a more favourable Conduct towards the Crown of *Spain*, they will be forced *à un coup desesperé*, which the *Dutch* Minister there cannot interpret to be other than a separate Peace with *France*, and the giving up of the *Spanish Netherlands* by it.

M. *Beverning* told me, he took the more Notice of this, and made it his express Desire, I would humbly represent it to his Majesty, as an Advice he thinks of so much the greater Importance from some Circumstances in this Country, and upon this Place, that seem to confirm what the *Dutch* Minister adviseth from the Court at *Madrid*.

THIS Minister adviseth further, that whereas the ordinary Meetings of the Council for these Affairs, were but thrice a Week ever since the War began, they meet three Times more extraordinarily; and there are frequent Extraordinary Couriers, that go between *Madrid* and *St. Sebastian*; and the like, that come from *St. Sebastian* to *Madrid*, under the Notion of Extraordinary Couriers for *Flanders*; whereas, if there were any such Thing, it's certain, they would bring some News or other along with them, how their Affairs go in *Flanders*; but these Extraordinary Couriers bring no such Matter: On the other Side, 'tis well known, that M. *de Grammont* resides upon his Government at *Bayonne*, and 'tis suspected, that these Couriers go no further than to him; and when they come from those Parts, that they come from him, and not from *Flanders*. Another Thing that this Minister observes is, that there is a Capuchin that goes to and fro upon an Errand, not otherwise to be accounted for; and M. *Beverning* further observes, that the Correspondents the States have in *Savoy* and *Portugal* do advise, there is some private Negotiation on Foot between *France* and *Spain*, and M. *Beverning* inclines the more to believe it, for that *Don Juan* meets with powerful Opposition in his Administration; and cannot hope to conquer them so easily, as was thought at first, unless it be, when he has made a Peace with *France*.

THAT which on this Side moves M. *Beverning*, to think their Advices from *Spain* and other Places are not groundless, is, 1<sup>st</sup>, That he finds the *Imperial* Ambassadors here something solicitous, least *France* and *Spain* should make a Peace, and the Price of it should be, the surrendering of the *Spanish Netherlands*. Thus those Ministers have lately put the Case to the *Dutch* Ambassadors, what the Empire and the States General would do in such a Conjunction.

2<sup>dly</sup>, HE is extremely surprized, that within these very few Days, the *Spaniards* have unbespoke that Fleet of *Dutch* Ships, that was intended for the *Mediterranean*, under Pretence, that it is now too late for setting out; whereas he, M. *Beverning*, has told the *Spanish* Ambassadors, that the going out of this Fleet would be for the Reputation and Service of *Spain*, tho' it should go no further than *Cadis*; but that they must impute it wholly to themselves that it did not go out in *May* last, his Highness the Prince of *Orange* having assigned them  
early



## 166 *Letters from the Embassy at Nimeguen.*

early enough both the best Capital Ships, and the most experienc'd Officers that this Country affords.

A *third* Thing he adds, and in that I cannot refuse to joyn with him, that *Don P. Ronquillo*, who at first had a great Concern in every Step that was made in the Negotiations of this Place, hath of late spoken of the *Spanish* Affairs in general Terms, and without his usual Concern for the Advancement and Progress of our Negotiation.

*M. Beverning*, upon the Request I made him, was pleased to promise to send me the Transcript of a Copy, that I suppose the States his Masters sent him of the Advice from *Spain* of the 15<sup>th</sup> Current, *N. S.* if it come Time enough, I will be sure to send you a Copy of it, otherwise I shall not fail by the next.

*M. Beverning's* main Reflexion was, that his Majesty, as well as his Masters, had too great an Interest, to suffer the whole *Spanish Netherlands* to pass under the Obedience of *France*; that now they, the States General, had so considerable a Force in the Country, that *Spain* would not be able to transfer the Dominion of their *Netherlands* to the *French*, without the Concurrence of the States General; and therefore, that this was the true Season of their coming to an *Eclaircissement* of the Intentions of *Spain*; and that he desired his Majesty may have an Account of those Advices and Reflexions: This I assured him should be done by this Post. I am always, &c.

*L. Jenkins.*

*Nimeguen, 2<sup>d</sup> Aug. 1677.*

Right Honourable SIR,

MY last was of the 30<sup>th</sup> past; since which, I have the Favour of one from you of the 24<sup>th</sup> to acknowledge; and therein his Majesty's Orders and Command, that I should watch what is doing between the *French* and the *Dutch*. All that lies in me, I shall be sure to do, GOD willing.

ON *Monday*, as soon as the Post was gone, the *Swedes* Ambassadors were with me, to desire my Offices in getting an *Eclaircissement* from the *Spanish* Ambassadors as to the Question, whether they timely and equally notified them with other Crown'd Heads? whereof I gave you some Account from *M. d'Olivenkrantz* singly, in my last.

ON *Tuesday*, I spoke with *M. de los Balbases*, and *Don P. Ronquillo*, severally about this Matter; the Doubt of the *Swedes*, and the *Eclaircissement* of the *Spaniards*, I have set down in a Paper by it self, that goes enclosed, because I would not trouble this Dispatch with it; I left the *Swedes* yesterday, upon Communication of what the *Spaniards* had answered, fully satisfied, and in a Resolution to go through their Vilitis with the soonest.

*M. Petcum* having desired me to communicate his Powers to the *Swedes*, as also the Desire and Intention he had to visit them, if he may understand that the *Swedes* Ministers, of an equal Character with himself, are not in their Rencounters with the Ambassadors of *Denmark*, to pretend to other Treatment than such as they, the *Swedes*, should now give him *M. Petcum*. They, the *Swedes*, answered me on *Monday*, that they were ready to give the same Treatment to *M. Petcum*, as the *French* had already given him; provided *M. Heugh* would give his Word to them, as they say he hath already done to the *French*, that there was no more intended by the Character of *Deputé Extraordinaire*,  
than

than what that of *Envoyé Extraordinaire* bears. I have not yet been able to meet with M. *Heugh*, to receive his Answer upon this.

As to M. *Petcum*'s Power, the *Suedes* cannot accept it, nor will the *French* neither, as they say ; they must have it exactly conform (*mutatis mutandis*) to the Powers that are already admitted for Count *Antoine* and M. *Heugh*.

ON *Tuesday* having given an Account of this to M. *Petcum*, I found him unwilling any Declaration should be given, that *Envoyé Extraordinaire* and *Deputé Extraordinaire*, were just the same Thing ; this last of *Deputé* being, in the Opinion of some in their Court, something more than *Envoyé*.

FROM this Subject, he and I fell into Discourse of other Matters : He told me, among other Things, that at the Assembly of the Allies the Night before, there had been a Debate touching the *Manner of Proceeding* with their adverse Parties, when an Answer to the *Lorain* Proposition should be brought in ; and consequently, the Allies have the Way opened to them to enter further into Matter.

THE *First* Question was, Whether it should be by Articles put in Writing, in the Form of a Project, or else by giving in the Matter undigested, and by Word of Mouth ?

THE *Second* Question was, Whether the Matters, be they brought in the one Way or the other, should be managed by Conferences *de bouche* between the adverse Parties themselves, or else be committed to the Management of the Mediators ?

MOST inclined to give in the Subject-Matter undigested at the first, and leave it to the Mediators to work it out, by going between the Parties, into such Particulars, as might afterwards be moulded into Form and into Articles.

IN this Debate, M. *Beverning* interposed, and desired them to forbear resolving of any Thing for the present, for that he hoped it would not be long ere Sir *William Temple* return'd out of *England* ; and that then he'll bring along with him a Plan from his Majesty, comprehending the Terms and Expedients upon which the several Parties may come to a General Peace, and that then they might work upon that Plan, in giving or taking more or less ; that his Majesty might thereby see how far the Ministers of each Side might be prevailed with, to yield to each other here ; and in those Matters which were not to be compounded or reconciled by Offices here, it might be left to his Majesty's Royal Wisdom, to interpose further with the Parties Principal.

THIS that M. *Beverning* advanced, saying that the Advices he had bore it, hath added much to the longing of the Allies here to see Sir *William Temple* returned, and to have wherewith to set them on Work.

M. *Petcum* seemed to be of Opinion, that the reconciling of the Business of *Sweden*, especially in *Germany*, would be the hardest Knot in all the Treaty. The House of *Lunenburgh* will do all they can possibly to hold what they have, and so will the Elector of *Brandenburgh*, to hold what he can get in *Pomerania*, and he is not unlikely to get it all. Speaking of some Instabilities that have been observed in the Court and Councils of *Brandenburgh*, and of the great Value that M. *Sonmitz* hath with the Elector, and with all Men for his Integrity, he said, there had passed some Words between him and M. *Beverning*, in a late Assembly of the Allies, the Occasion was this : The Project of the *Dutch* Treaty of Commerce being communicated to the *Brandenburghers*, and Copies being given of it, as it was intended to be given in to the *French*, and the *Brandenburgh* Ambassadors sending it to their Court,

(with

(with what Informations is not known) it was there understood and taken to be a Thing not in the Project of a Treaty, but fully adjusted and finally agreed (where, by the way, we see, the *Dutch* gave Copies of their Project to the several Allies, before it was put in to the *French*, but gave us none, only promised to do it, and we were forced to call on them for it before it was done).

M. *Beverning* charged these Ambassadors, as if they had represented the Thing amiss; he spake very warmly of it, and in Defence of the Sincerity of his Masters, and of his and his Colleague, their Ministers. M. *Somnitz* desired him to forbear at that Time and Place, but he would not; *Vander Tocht*, the *Dutch* Minister, having had Reproaches about this Thing in *Berlin*; and the *Brandenburgh* Minister at the *Hague* having raised all Clamours possible about it, and all upon a pure Mistake; the *Brandenburgh* Ministers having found the Project to be in concluding Terms, it being a Transcript of the Treaty of 1662, they understood and represented it, as M. *Beverning* would have it, to be a Thing agreed between the *Dutch* and the *French*, even before these last had it put into their Hands.

ONE Thing more M. *Petcum* told me, that the *French* Ambassadors had protested to him, they would stay no longer in this Place, unless they can make a Peace this Winter.

M. *de los Balbases* told me on *Tuesday*, that M. *d' Estrades* having been a few Hours before to give him a particular Visit, they had discoursed of the Peace, and particularly of the Affair of *Lorain*, his Conjecture was, that the Answer we now expect every Day from the *French* about *Lorain*, will not be categorical; for that M. *d' Estrades* had proposed to him the Example of the *Pyrennees*, for them and *Spain* to follow here, and to postpone the Business of *Lorain*, till the Peace between the two Crowns be fixed.

M. *d' Estrades* had been at *Don P. Ronquillo's* the same Day, in a particular Visit: All that *Don Pedro* told me of their Conversation was, that they had made a Trial of their first Lances, not mentioning any particular.

YESTERDAY the *French* Ambassadors were with me, to let me know they were much surprized, that the *Imperialists* will needs take it for granted, that the Bishop of *Strasburgh* is not an Ally of *France*; they were come, they said, to declare, that the King their Master had taken him into his Alliance, and that he is to be reputed his Ally, tho' not such an Ally as is, or ever was, engaged with him in the War against the Emperor: That when we were adjusting the Words of the common Form of *Plenipouvoir*, the Allies had desired, that to the Words *pour Traiter avec le Roy Très-Chrétienne & ses Alliez*, these Words *qui sont en guerre*, should have been subjoin'd: That they, the *French*, then opposed it; and the principal Reason why they did it was, because the King their Master had Allies that are not engaged in the War; and the letting of that Word to enter into the *Plenipouvoir*, would have been an Exclusion of such Allies, and namely, of the Bishop of *Strasburgh*, whom they then named, and pointed out, both to the Mediators and to M. *Beverning*; that however they might not then be fully understood, they were now come to declare that to have been always their Meaning, and to confirm what is known publicly enough, that M. *de Strasburgh* is an Ally of *France*, and that that ought not to be any Prejudice to his appearing here by his Ministers, as freely as any other Prince of the Empire may; since it is an undoubted Right of the Princes of the Empire, to make Alliances with other Foreign Princes, provided they be not against the Emperor or Empire.

A few Hours after, M. *Ducker* came to me, to declare on his Part likewise, that his Master had the Honour to be taken by the Most Christian King into his Protection, as also into his Alliance, yet that that Alliance is such as does not engage him in this War, or is in any wise repugnant to what he owes either to the Emperor or the Empire.

YESTERDAY I received a Letter from the City of *Hamburg*, addressed to the Embassy here: In the first Place it takes Notice of our Diligence to procure Passports from *France* and *Sweden*, for their Deputies to come hither, and are satisfied with it, tho' we have not hitherto had the Success to procure them: In the next Place, they suppose there is a Treaty going on about Navigation and Commerce, wherein they do suppose the King our Master, the Most Christian King, and the King of *Sweden*, will have a principal Part: They desire, that since their Being depends principally upon the Freedom of Trade, we would take Care to get their City included in such a Treaty. The Thing as they propose it, is not practicable by us, having no Instructions upon it from his Majesty, nor are we (it may be) capable, considering his Majesty's Figure of Mediator, of having such Instructions as may make us Parties for them, so far as their Interest and the Opposition of others may require; but they making the Concern of the King's Subjects in their Trade, to be the Ground of their Request, his Majesty will doubtless have the Reflexions that are proper upon it; their Republick is considerable; and a Support from his Majesty in this Conjunction may possibly have those Effects with them, as to pass into a lasting Obligation upon those People; but this I wholly submit, and beg your Orders what to answer upon this Letter; remaining always, &c.

*L. Jenkins.*

*Nimeguen, 6th Aug. 1677.*

*Right Honourable SIR,*

MY last was of the 2<sup>d</sup>, since which I have the Favour of yours of the 31<sup>st</sup> past to acknowledge, and do most humbly thank you for the Information you are pleased to be so particular in to me, touching the Stile of *Inviſtissimus*, and Count *Wallenstein's* Importunities there upon it.

WHAT you are pleased to observe from M. *Skelton*, of the Stile of *Sweden* to the Emperor, is, I doubt not, very certain, and I shall make it my Business to enquire, whether the Emperor doth not give *Majestas*, and not *Serenitas*, to the King of *Sweden*: In their Memorials they are very exact, as often as they say *S<sup>a</sup>. C<sup>a</sup>. Ma<sup>tes</sup>*. to couch with it *S<sup>a</sup>. R<sup>a</sup>. Ma<sup>tes</sup>. Suecia* in the same Period.

I most humbly thank you likewise for the Impresses you have sent me; I am glad that they have found nothing yet under the Great Seal that makes against us; I must confess I am not without Apprehension, that if they search backward as far as King *James's* Time, there may be some Instruments in some of his Embassies that may make against us; for I suppose we were liberal enough in Point of Titles, while the Business of the *Palatinate* was depending; and one Thing more which I am afraid of, King *James* begins one of his Tracts about the Oath of Allegiance, with *Inviſtissime Imperator & Serenissimi Reges*; but in this, I hope, I am out, having not the Book by me to examine; or at least, that the Ministers of this Age will not hit that Blot.

ON *Thursday*, after the Post was gone, M. *Spanheim* brought me a Writing, (the Copy whereof goes herewith inclosed) being a Complaint of the *Hungarian Protestants*, of their being bereaved of their Ministers, and other Grievances relating to their Religion; it was delivered by certain Deputies of those Protestants, to the Elector's Minister residing at *Vienna*, and it was his Electoral Highness's Pleasure to send it hither, with Order (as M. *Spanheim* words it) to take my Opinion upon it.

It would be too great a Confidence in me to deliver any Opinion; in a Matter so foreign as that is to the Service I am upon here, and in a Thing wherein I am so utterly ignorant, both in the Matters of Fact and Matters of Right, that are alledged in this Memorial. Only I let M. *Spanheim* see what has passed between his Majesty and the States General, which we had by your Favour communicated to us in *November* last, touching the poor distressed *Hungarian* Ministers; and how that his Majesty had, as may be gathered from his Letter to the States General, sent Orders to Mr. *Skelton* upon that Subject, and expected further Information from the States, by what Manner of Means his Majesty might most usefully interpose for those poor People.

ON *Friday* M. *Christine*, in a particular Visit he favoured me with, entred into a Discourse of the great Calamities of *Flanders*, and of his own Share in them; having not of a great while received one Farthing from the Estate he has in that Country, and being driven to contribute excessively in Regard of his Office, as being of the Council there. I mention this, because he added one Thing that was at the old Rate of *Don Pedro*; it was, that tho' the War be as bad for them as may be, yet a Peace would be worse; for then the very Garrisons of *France* in their Conquests, would make an Army sufficient to swallow them up in a Night; whereas now, the Force of their Allies in the Country, saves them from being devoured all of a sudden: As for Treaties, and Guarantees, and Publick Faith, he would not allow there is any Security in them; the Experience they already have, not suffering them to trust to any Thing, but to a Force that is equal or superior; and that they can never have, at the Distance they are from *Spain*, and as Matters have been hitherto managed in that Monarchy.

M. *Heugh*, in a Conversation I had with him the same Day, took Occasion to express, with much of Protestation, the extraordinary great Reliance that the King his Master hath on his Majesty's Friendship; he hath done so pretty frequently, and at this Time with extraordinary Professions of Sincerity on his Part, and of the certain Knowledge he hath of the King his Master's Passion for his Majesty; adding withal, that they are at this Time in *Denmark* in a pretty good Condition at Sea, and that he hopes they will appear so considerable to his Majesty, that he may be pleased *faire quelque fonds* upon them.

HE says, the King his Master is really and heartily disposed to accept of any tolerable Terms for a Peace; the main Thing he aims at is, to make his Condition something better in *Schoonen*, than that the King his Father left him in, having been forced to part with that which was the ancient Inheritance of the Crown, and to divest himself so, that his Capital City was become a Frontier.

ANOTHER Thing, he said, was an intolerable Grievance to them, rather for the Dishonour of it, than the Loss in it, it was, the Terms upon which they stood with the *Swedes*, in Matter of Maritime Affairs, if that were a little mended too, in the rest his Master would be quickly satisfied; and in both these he hopes to be righted, by the great Equity of his Majesty in his Mediation.

FROM

FROM this he passed to discourse of the Siege of *Charleroy*, and of the Difficulty of that Enterprize, which he said might be of very ill Consequence to his Highness the Prince of *Orange's* Interests in this Country; since it cannot be known how far the malignant Party would improve such an Opportunity against the Prince: The *Amsterdammers* having already shewed their Teeth, in declaring *comme au son de la grand cloche*, that this was the last Time, and they would never be brought to contribute again the 200th Penny in this War.

YESTERDAY M. *Beverning* and I had another Meeting about Prince *William's* Affair: We had before us all that had passed between Count *Oxenstiern* and the Emperor, and his Ministers at *Vicuna*, the Count having favoured me with a Transcript of all out of his Papers, which I shall send you by the next; we had also all that passed between his Majesty and the Emperor by Mr. *Skelton*, M. *Ducker*, or otherwise, upon that Subject; as also what has passed between the Emperor and the Nuncio's *Bevilacqua* and *Bouvisi*; but we want what passed between him and *Albrici*, who was Nuncio when the Prince was seized.

THAT which we look after and cannot find is, that the Emperor hath at any Time declared, he would leave the Business of that Prince to this Treaty. Something there is, as if the Emperor and the Parties had declared, tho' not fully to that Effect, yet that we may guess may be made Use of to that End; it is in Answer to a Memorial of Sir *William Temple's*, that if the Peace be made, then the Prince shall have entire Liberty. This Answer M. *Beverning* writes for this Day, for as it happens, I have only a little Note of it, it bears Date the 19th of *April* 1675.

OUR Hopes are, that if it can be made out, the Emperor has at any Time declared, that the Business of the Prince should be left to this Assembly, the Assembly may at any Time challenge and take it in Hand, and judge it reasonable that his Majesty may be complied with in the Temperament he hath propounded, rather than *accroche* all our Negotiation here with that Business; tho' I confess I have little Hopes of any greater Moderation in the *Imperialists*, from what M. *Oxenstiern* told me, of the personal Resentments that the Emperor discovered to him against the Prince, and of the Concurrence of all his Ministers in it.

BESIDES, there is no body without some Hopes, that we may have a Peace this Winter; and then the Time will be so short, that the Allies will rather hope, his Majesty will please to employ his Offices with *France*, to forbear stirring in this Matter for a few Months, rather than insist that the Emperor should, after all this Delay, now give in to the Temperament, and that the Allies should join with his Majesty to dispose him to it; but this is no more than my Conjecture. I shall go on in moving the Allies formally, as I have already done M. *Beverning* and *Don P. Ronquillo*, as soon as we can see what the States Resolution of the 19th of *April* 1675. will furnish us with. M. *Beverning*, in the Conversation we had together last Night, discover'd to me, that he is more at Ease since he received the Letters of this Ordinary from *Spain*, than he was before, as I told you in one of my last; for their Minister adviseth, that tho' *Don Juan* were of Opinion, and should advise the King of *Spain* to part with the *Low-Countries*, yet he would not be able to carry it, as Things now stand in the Council; for the Ministers that are against it, have the last Will and Testament of *Philip IVth* to plead, whereby it is, it seems, forbid to alienate any Part of the Monarchy, but most expressly and by Name the *Spanish Netherlands*. I am, &c.

L. Jenkins.  
Nime-

*Nimeguen, 9th Aug. 1677.*

Right Honourable SIR,

SINCE my last, which was of the 6<sup>th</sup>, I have the Favour of yours of the 3<sup>d</sup> Current come to Hand, with more than ordinary Speed.

IT is with the deepest Sense of Duty and Acknowledgement possible, that I receive the Intimation you are pleased to favour me with, of his Majesty's Royal Grace and Clemency, in not disapproving what I have endeavoured here in the Visit of Ceremony, between the *Spanish* Ambassadors and my self.

YOU will ere this have found by my Letter of the 30<sup>th</sup> past, how soon the Revisit to me was over; and consequently, that your Orders came not Time enough to move upon that Point, which I perceive his Majesty would have cleared; that is, that the *Spaniards* in their Revisit, should have taken the *Imperialists* in their proper Place, I mean after the Mediators, notwithstanding what had passed between them, as Ministers of the same House already.

IT is to me under Correction extremely improbable, that the *Spaniards* would have been brought to do this, or the *Imperialists* to accept it; that which passed between the two Embassies being not intended for a private Interview, after which a more solemn one was to follow, but being all of Intervisit that was to pass between them.

THAT which possibly may satisfy them is, that the *Imperialists* lost not their *Rang*, because they were, as it were, absent from the great Day of Ceremony, since there was the same Ceremony and Solemnity paid them the Day before, as was intended for us.

THAT which satisfies us on the other Side (I mean the Mini- of all Crown'd Heads) is, that their Visits being *Hors de Rang*, and before Notification to any other, they were without Consequence, and that they must be understood so the rather, for that otherwise the Nuncio, for whom the *Spaniards* do profess a first Respect, and whose Precedency the *Imperialists* durst not dispute, would have suffered the most of any, as neither himself, nor any of the Parties here, do reckon he hath suffered by this Anticipation. 'Tis true, there remains no more, as you are pleased to observe, but that we make the best Use we can of the *Eclaircissements* we have in Hand, and of the Precedent we have from *Munster*; yet if Right be done to his Majesty, (as I hope it will be done) by three or four Ambassadors that are yet to come, the Case will be mighty strong, if not a clear Decision on our Side against the *Imperialists*; and there will be nothing to oppose against it, I mean against the Suffrages of all the Crown'd Heads of *Europe*, but this single Shift and Contrivance of the *Spaniards*, in Favour of the *Imperialists*.

THE Ambassadors I mean, are Count *Antoine* and M. *Odyke*, who have nothing to do, no more than we, with the Nuncio, ought regularly to give the first Notification and Respect to his Majesty's Ministers, as the general Mediator; and there is nothing to tempt them to do otherwise, unless it be their present Alliances. There are two other Ambassadors more that are expected, I mean *Don Francisco de Mello*, and his Colleague; when they are come, methinks tho' they be no Parties, yet their own Character and Pretension as Mediators, will lead them to notify his Majesty's Ministers in the first Place, only they will order



order it so as the *Spaniards* have done, in paying the first Respect of all to the Nuncio.

BUT I hope, before any of these come, (tho' Count *Antoine* be talk'd of and expected every Day, and that about thirty of his Domesticks arrived near a Fortnight since) one, if not both my Collegues, will be return'd hither, with such further Orders as his Majesty shall think requisite for our Government in this Point. Nor am I out of Hopes, but that the Representation, which you may have already made on that Side, of what M. *Heugh* hath merited already, may operate here, so as to engage Count *Antoine*, when he comes, to clear this Point: Nay, 'tis possible you may think it worth the while to try, how far the Court of *Denmark* may be disposed to fix this Business when Count *Antoine* shall appear. I am apt to think the *Imperialists* do labour this Point on their Side at that Court; for I perceived they have laboured in M. *Petcum's* Business, and the *Imperial* Ambassadors here have expostulated with M. *Heugh*, for that M. *Petcum* saw me before he saw them; they have since refused to see M. *Petcum*, tho' M. *Heugh* hath laboured to excuse his so doing, with saying, there was a Necessity for his having Recourse to the Mediator for his Offices upon the *Plenipouvoir* that the King of *Denmark* has given him; 'tis true, there was another Embarrass between them, for M. *Petcum* pretended the *Imperialists* should give him the same Treatment, that the *Imperial Envoyez* should pretend to in any Rencontre hereafter with the Ambassadors of *Denmark*; but as it was not difficult for them to give the same Answer as the *French* did in this Point, (which was, that they would not declare or stipulate any Thing in Cases not yet fallen out, but that M. *Petcum* should be welcome to them, since he did not insist to have the Hand, or any such Thing) so I think the Difficulty between the *Imperialists* and him is, for that he visited them not in the first Place, and before me.

ON *Monday*, M. *Colbert* told me, in a particular Conversation, that he had lately taken an Occasion to speak with M. *Beverning*, and to know of him, how he and his Collegue had understood the Acceptance that they, the *French* Ambassadors, had declared of the Treaty of 62 in all its Points. That M. *Beverning* had thereupon told him, it had never entred into his Thoughts and his Collegues, that they, the *French*, meant any more than the *Points of Commerce*, which are from the 13<sup>th</sup> Article downwards; and that the *Petitum* or Demand that they, the *Dutch*, had made, being about Commerce only, and Beginning in their Project from the 13<sup>th</sup> Article downwards, they did not understand the Concession or Answer of the *French* to be other, than adequate to what they had asked, and consequently that the 12 first Articles never came into Question between them.

THIS M. *Colbert* told me, not, he said, but that his Majesty had done them the Honour to believe them upon their own *Eclaircissement*, as they had understood from M. *Courtin*, but for one Argument more in Confirmation of what they had said before upon that Subject.

HERE I taking Occasion to tell him, that the Difference now between them was not great, especially considering the Temperament they in *France* were ready to give, when the Peace were once made, both in the Matter of the *Traité foreigne* and of the 50 *Sols*. He acknowledged there might be Ways found out to accommodate them, yet not so long as the *Dutch* stood, as they did, for the satisfying of their Allies.



## 174 *Letters from the Embassy at Nimeguen.*

ONE Thing fell from him, in speaking of the *Traité foreigne*, which I had never observed before; it was, that the *Dutch* insisted to have it reduced to the Foot it was upon in the Year 32, or at leastwise, said he, as it was in 62, the Time of the last Treaty; this last Branch of the Alternative, I do not remember to have heard spoken of before, so that it is possible, this is a Temperament the *Dutch* have yielded to, upon some further Treating between them and the *French*, for they are frequently together, since our having had any Thing to do in it.

IN this Conference, M. *Colbert* excused himself, and so did M. *d'Arvaux* afterwards, from giving any Thing in Writing to the *Imperialists* by Way of owning the Bishop of *Strasbourg* to be an Ally of the King their Master; they said, it was too trifling a Matter, and all the Answer they would give was, that they did declare — *Qu'ils reconnoissoient M. l'Evêque de Strasbourg pour Allié du Roy leur Maître*, and yet so scrupulous is M. *Kinski*, that he must needs have those Words, as few as they are, from me in Writing, forsooth! for better Certitude Sake, which I gave him and his Collegue last Night.

M. *Ducker* dictated to me his Answer, which was in these Words, and I dictated the same over again to the *Imperialists*.

— *Que c'est rendre justice à M. le Prince Evêque de Strasbourg, que de ne le pas considerer comme Ennemy de sa Majesté Imperiale, & de l'Empire.*

— *Qu'il l'a toujours declare & le declare encore, qu'il n'a jamais songé seulement à le devenir.*

— *Que par ce qui est de la Protection & de l'Alliance dans laquelle il a l'honneur d'estre reçu de sa Majesté Très Chrétienne, il croit qu'il ne s'est nullement de parti par la de son devoir envers sa Majesté Imperiale & l'Empire.*

THIS the *Imperialists* told me they would consider of, and give me their Reflexions upon it, not as coming from a Minister, but from a *Serviteur* (that was the Word) of the Bishop of *Strasbourg*.

THIS is the Way of M. *Kinski's* Proceeding, but I cannot think he will gain any Thing by it, for I cannot see how they will avoid admitting of M. *de Strasbourg* to the Treaty, it being a Thing that in a Manner was yielded in the adjusting of the *Plenipouvoirs*, when the Confederates would have had these Words, *qui sont contra nous en guerre* added to the Word *Alliez*; the *French* opposing the said Words most itiffly, and giving for their Reason, that those Words, if they stood, would be an Exclusion to the Bishop of *Strasbourg*.

IN this Conversation, the *Imperialists* enquired of me, (and they had sent a Secretary to do it the Night before) whether I had any News from the *French*, touching their Answer to the *Lorain* Proposition; observing to me, that there are now three Weeks upon expiring, since it was put into their Hands, and that they might reasonably expect an Answer before this Time, in Regard the *French* had said, they had Power to answer, and that at the Time it was delivered into their Hands; they said no more, but that they did accept it, and would examine it.

M. *de los Balbases*, in a Visit he favoured me with yesterday, express'd likewise a great longing to have this Answer to the *Lorain* Propositions; then his Opinion, he said, would be, to go to the *detaile* of Things, and to wave all Manner of Writing, leaving to the Mediators, when they have the Particulars that the Parties demand communicated

municated to them, to try how near they can bring the Parties together, by going between them, and using the Reasons they shall be furnish'd with from the one towards the other Side: Yet, as far as I can perceive by M. *d'Olivenkrantz*, they, the *Swedes*, will not let fall the last Answer of the *Imperialists*, without replying upon it in Writing, for he thinks it may be of Advantage, in order to the better informing of some Princes in the Empire.

HEREWITH goes inclosed that Extract out of M. *Oxenstiern's Protocol*, touching Prince *William* of *Furstenburgh*, that I mentioned to you in my last. I am ever, &c.

*L. Jenkins.*

*Nimeguen, 13th Aug. 1677.*

Right Honourable SIR,

SINCE my last of the 9th, I have not the Favour of any from you to acknowledge.

THAT Dispatch was no sooner gone, but Messieurs *Kinski*, *Heugh*, and *Beverning*, came to me from the Body of the Allies, to desire my Offices towards the Ambassadors of *France*, in order to get from them an Answer upon the *Lorain* Proposition in their Hands. They observed to me, that it was then above a Fortnight the *French* had had them, that the *French* having declared (before the Proposition was given in) that they had Power to give an Answer to it, they, the Allies, did now hope, that they were ready to do it, and that they were in so much the greater longing for it, for that the Want of it was an *Accroachment* upon the Interests of the whole Alliance.

NEXT Morning I took an Hour of the *French* Ambassadors upon this Errand, but M. *d'Avaux* was away; the other two told me, they wonder'd very much the Allies pressed this Point so hard, they, the *French*, having been forced to stay three Months together for an Answer to their Propositions.

THE Answer they would now give should be *Alternative*, either that it was not reasonable they should make an Answer with so much Precipitation, in a Business that deserves so well to be deliberated upon, not especially at this Time, for that it would be against the Dignity of the King their Master to do it, while the Duke of *Lorain* seems to demand it in the Head of an Army upon the Borders of *France*.

THE other Branch was, that if the Allies, all of them, for their own Concerns in several, would come to particular Propositions and Demands, *qui seroient plus convenables à l'état des affaires*, and say, *this and this we will do*, or, *we will be contented with, provided that the Duke of Lorain have his Satisfaction thus and thus*, they, the *French*, in that Case would give a categorical Answer at one and the same Time, not only to the several Allies, but to the Duke of *Lorain* likewise.

FINDING the Answer like to be to this Effect, I thought it incumbent upon me to represent unto them, That an Answer thus dilatory would very much disrelish the Allies, and raise a great Clamour against them, the *French* Ambassadors: I offered to their Consideration, how that the Allies alledged, they could do no less than insist for a categorical Answer, as they do, (especially the *Imperialists*, *Spaniards*, and *Hollanders*) for that they are engaged expressly by Treaty, to procure to the Duke of *Lorain* the same Liberty of Treating as themselves have;

## 176 *Letters from the Embassy at Nimeguen.*

have ; which they conceive him to be debarr'd of, while he is refused an Answer to his first Proposition, the *French* having given an Answer to all the other Parties.

ANOTHER Thing I told them the Allies would be sure to lay hold on, it was, the Answer they, the *French*, themselves had made, when the Allies had by me put the Question to them, whether they would answer *Categoriquement quant au gros de l'affaire & promptement sans avoir ulterieur Recours à leur Cour*, in Case the *Lorain* Minister did put in his Proposition in the very Form insisted on.

FOR the Answer then of the *French* being upon this, that they were ready to receive the Proposition, and *qu'ils avoient Pouvoir d'y rependre dans le temps, & à la maniere qu'ils jugeroient à propos* : This did, in the Judgment of the Allies, imply, that it was in the Power of the *French* to answer as soon as they pleased, and that there was no need of their having Recourse to Court for further Directions ; that now, even after that there is so much Time spun out, as might have served to procure Directions from Court, to find no Word in their Answer touching the Restitution of *Lorain*, will be Matter of Surprize to them, the Allies ; for it being in the Power of the *French*, as themselves have said, to answer, such an Answer as this is, might have been given the next Day after the receiving of the Proposition.

To the *First*, M. *Colbert* answered, that the only Way for the Allies to make good their Engagements to the Duke of *Lorain* is, for each of them to give in more reasonable Propositions in their own Behalfs ; then all of them shall have their Answers.

To the *Second*, I mean in that they said they had Power to answer ; his Reply was, that that is to be understood with the same Restriction as the Words empowering in all *Plenipouvoirs* are, that is, Men have Power to act, to conclude, and to sign by their Commissions, yet they do nothing of that without taking their own Time to deliberate, and, as they see Cause, to advise with those that entrusted them.

AFTER a great deal of Discourse upon this Subject, M. *Colbert* desired the Debate might be adjourned till next Morning at my House, because M. *d'Avaux* was away : M. *d'Avaux* and he coming next Morning at the Hour they had taken, M. *Colbert* told me, they had varied but little from the Opinion they were of the Day before, and that they had now brought me their Answer in Writing, for the Help of my Memory ; the Copy of that Writing goes herewith ; but M. *Colbert* reading over the Writing, M. *d'Avaux* (who probably had not seen it before) desired some Things to be blotted out in it ; what was blotted out, and what was altered, will appear by the Copy, for it is transcribed just as it was left in my Hands. I found after all some Expressions in it that were rough, and would be Matter of Cavil and *Aigreur* if delivered to the Allies ; therefore I took the Liberty to alter it, as it goes along herewith in another Paper, having first shewed it to the *French* Ambassadors, to let them judge if I did retain their Sense or not ; and 'tis in those Words I intend to deliver the *French* Answer this Afternoon to the Allies in their Assembly.

M. *Colbert* observed to me, that his Master and his Ministers have declared their Dislike, that the Affairs of *Lorain* are managed, not by the Minister of that Duke, but by the whole Alliance in general ; that they, the *French* and *Suedes*, do not appear so in a Body for the Bishop of *Strasburgh* their Ally.

IN this Conversation, I thought it not unseasonable to ask them, (as I had done in that of the Day before) whether they had foreseen any  
Diffi-

Difficulty or Thought of any Precautions to be taken in the Matter of Ceremony, now that the Bishop of *Gurck* was like to appear 'ere long in publick. They told me, they had not yet penetrated how near that Ceremony was at Hand, but that they would be sure to communicate with me, if they had any Reflexions to make upon it.

I told them, how that some Ambassadors had been founded, whether they would give the Title of *Altesse* to the Bishop, as Prince of *Gurck*; and lay before them some of the Difficulties that it would have with me, in Case I were put to it; giving them some Account how that Title had been contested at *Munster*, to the Duke de *Longueville*, and that the Word, *Vorstelyck Genade*, which, it seems, contents him in *High-Dutch*, being in precise Construction but *Princely Grace*, seems to be inferior to the Word *Altesse* in its Importance, considering that this Word *Altesse*, is retained in the Stile of some Crown'd Heads; namely, in the King of *Spain's*, in their judicial Addresses to this Day, at least in some of his Courts and Councils of *Castile*.

M. *Colbert* was of Opinion, that if the Bishop of *Strasburgh* were here in Quality of Ambassador to the Emperor, he were not to be treated *d'Altesse*, much less this Bishop, who is neither Prince by Birth, nor his Bishoprick a Principality of the Empire.

M. *Oxenstiern* was the Ambassador that M. *Stradtsman* had founded; but M. *Colbert* thought he would not pretend to it; but believed, there was something that stuck between the Bishop and the Nuncio, for that the Pope, not allowing his Nuncio to take the Title of *Excellence*, they are loath to give *Excellence* to Ambassadors that are Ecclesiasticks; but only the Reciprocal Title, or Treatment of *Seigneurie Illustissime*.

M. *d'Avaux*, a few Hours after, told me, he thought that Difficulty was over; for having asked the Auditor, how that Point would be settled between the Nuncio and the Bishop? He told him, he treated him *d'Excellence*; whence he inferr'd, that the Nuncio gave in to that, and the Bishop did not pretend to *Altesse*, nor do I find it, (as far as I have been able to get M. *Stradtsman's* Secretary founded) that any besides his own Domesticks do treat him *Vorstelyck Genade*.

I do find the Nuncio is endeavouring, upon this Occasion, to salve the Failures of M. *Kinski* and M. *Stradtsman*, in the Point of Ceremony with the *French*, and to bring that Business about again if he can; yet the *French* were not pleased to take Notice of any such Thing to me.

LAST Night *Don Pedro Ronquillo*, in a Visit he gave me, fell upon the Business of *Don Bernardo de Salinas* in *England*, treating it as very unfortunate, and so the Misunderstanding between Messieurs de *Bergyck* and *Burgomaniero*, to the Affairs of *Spain* at this Time; yet assuring me, that the King his Master is unmoveable in his Friendship for his Majesty, and in the Confidence he hath entertained of his Majesty's Equity and Affection to him in this Mediation. One Instance, he told me, I should hear of 'ere long; which he hoped, his Majesty would be well pleased with: It was, that this present Pope having proposed to the Duke d'*Estrée*, Ambassador of *France*, that the two Crowns should come to a Treaty, for the Peace between them, in the City of *Rome*; and that that Ambassador having given the Pope good Hopes the Thing might be brought about, and that his Brother, the Cardinal, might bring along with him (when he should return out of *France*) the Powers and Orders necessary; the Pope proposed the same Thing to the Marquis del *Carpio*, Ambassador of *Spain*: But this Ambassador did say no more to it, than that he would write to his

## 178 *Letters from the Embassy at Nimeguen.*

Court: When this came to *Spain*, it was resolved, the Marquiss should have Orders exprefs, to let the Pope know, that the King of *Spain* could not consent to the changing of the Place of Treaty, nor would depart from the Mediation of the King our Master, which he had accepted, and did rely on, for the good Effects he expected from it, in making the Peace general. He (the King of *Spain*) being resolved not to enter into any particular sepatate Treaties at all, nor would he be divided from his Allies, which must needs be, if the Treaty were removed to *Rome*, since that was a Place, the *Protestant* Allies would not come at. This I found by him, is to be communicated this Day (having come to them by the Letters of the 30<sup>th</sup> past, *N. S.*) to the Allies at their Assembly, then I am to have it imparted to me again by the Embassy; this Overture being, as he said, only *en amy* from him.

FROM this he fell to discourse of the *Franche Comte*, and of the Necessity of having it as a *Barrier* to so many Places, to the Princes of the *Rhine*, to the *Swisses*, to the *Milanez*, &c. but adjourned the further Discourse of it to another Time, only desiring me to prepare for the Deductions he will make me another Time, by looking upon that Country as it lies in the Map.

JUST as I was closing, comes the Ambassador of *Denmark*, to impart to me, as he said, the great Disquiet he was in, upon the Fore-sight he had of the Embarrass that the first Visits of Count *Antoine* would engage them the *Danes* in, either with the Mediators, or else with the *Imperialists*. He told me, their inward Devotion was, to pay their first Respect to his Majesty, but the *Imperialists* do exact it from them, and do it with a high Hand at this Time, because that they are in Alliance with them, and have Need of their Help. His first Proposition was, whether I could think of any Expedient to get them out of this Difficulty; those he proposed were, that Count *Antoine* should make his first Visit in such a Time, as I should take Occasion to step out of Town, or so for half a Day, or else at a Time when I might be supposed to be indisposed, and the Notification should be given in that Case the same Time to me, as to the *Imperialists*.

I told him plainly, my Orders were precise, to pretend the first Notification before the *Imperialists*, and that I would give in to no Manner of Expedient.

SEEING this would not do, the next Thing he desired me was, to write to Court about it, to see whether his Majesty may please to think of some Temperament to help out the King his Master, that has all Honour and all Affection for his Majesty; and that the Count *Antoine*, being certainly to arrive some Time this Week upon an Estate he hath in this Country, and within two or three Days after, to render himself in this Town, he hoped to prevail with him to defer his Appearance for some Days, tho' his Equipage be quite ready, in Hopes of some favourable Resolution from his Majesty.

IN this Conversation, which was an Hour long, he entred several Times upon the Reason of the Thing, and the Inconvenience it would be; if an Elector, or the *Venetian*, should take upon them the Figure of Mediators, they must have the supream Ranks; I kept my self, as well as I was able, from engaging into the reasoning Part, with observing only two Things to him.

THE *one*, that his Majesty pretended to no more, nay, not so much as his Ministers had paid to the *Swedish* Mediators, when he was Party, to this War.

THE *other* Thing was, that if Count *Antoine* should not give the first Respect to the Mediators in his Visit, he would, by a Consequence, (acknowledged of all Hands) as far as in him lay, set up the Emperor into another Rank than that of *Primus Regum*; and that I knew was contrary to M. *Heugh's* Sense, and contrary to the Interest of all Crown'd Heads in *Europe*. But when, to convince him, I fetch'd down our *Cologn* Instructions, and shew'd him (for he understood a little *English*) how positive and clear our Instructions were, not only to give the *Par* and the Upper-hand, but also the first Visit to the *Swedish* Mediators, tho' we should be the last Comers; and affirmed, that the Practice was accordingly; he was somewhat abashed, as who should say, we had more to say and shew for ourselves, than he thought we had had; and desired I would give him a Transcript either in *French* or *English* of that Article, wherein also the Most Christian King is averr'd to be of Concert with his Majesty in the Thing.

He objected to me, that the *Imperialists* had not given this first Respect to the *Swedish* Mediators at *Cologn*; to that my Answer was, that I did not know what had pass'd between them, but that I was pretty confident of two Things: The *one*, that the Emperor had never positively and absolutely accepted the Mediation of *Sweden*; the *other*, that the *Imperialists* coming last to the Assembly, of all that had the Character of Ambassadors since we, and the *French* deferred willingly the first Respect to the Mediators; and since the *Dutch* could pretend to no Competition with them, nor the *Spaniards* neither, (being no Ambassadors, but *Envoyez*, and *incognito* all the while) there could be no Controversy, but the first Notification was due to the Mediators; nor did there any Ambassador of a Crown'd Head come after to decide the Question in Hand, between those Ambassadors and those *Imperialists*.

IN this Conversation M. *Heugh* told me, that he hath visited the Bishop of *Gurck en amy & en Allié*, without Ceremony; that he hath been prevailed upon by M. *Stradtman*, to treat him when he speaks to him in *High-Dutch*, *U fursstelyck Genade*, but that he will be content with that of *Excellence* when he is spoke to in the *French* Tongue; and that M. *Heugh* will use the *French* Language always in Ceremony and in Business; the Bishop, he says, affects the *High-Dutch* Title mightily, and that he makes himself out to be in some Kind a Prince of the Empire, because he hath the Direction of some Part of *Austria*, which though it be properly an Hereditary Country, yet the Arch-Duke having Voice and Session in the Empire, this gives, it seems, some Colour of Title to the Bishop. I am always, &c.

L. Jenkins.

Nimeguen, 16th Aug. 1677.

Right Honourable SIR,

SINCE my last, which was of the 13th, I have the Favour of Yours of the 10th Current; and am to thank you, as I do most humbly, for the two Memorials of Count *Wallenstein* in it, and your Answer upon them, which is exceeding great Light to me for my Government here.

ON Monday, as soon as the Post was gone, M. *Petcum* took an Hour of me, and told me, he found, by the Letters come that Day from *Denmark*, that the King his Master is very much importuned, and even

in Pain, with the Earnestness that the *Imperial* and *Spanish* Ministers (now in his Court) continually press him with, to accept of the Pope's Mediation. *M. Petcum* is perswaded, (as he says, but hath no Orders to declare it) that if the King our Master would think fit to say so much, as that it would be an acceptable Thing to him, that the King of *Denmark* would stick to his Majesty's Mediation alone, then that King would quickly throw off all Importunities, and excuse himself from accepting any other Mediation but his Majesty's; his Majesty's Mediation being that he has most Confidence in, as *M. Petcum* told me, finding it so, as he says, by some of their very last Letters; nor would he excuse himself from accepting the Pope's Mediation alone, but from that of *Portugal* too, with whom, he says, they have no Commerce.

I told him, I did not know any Thing of his Majesty's Pleasure in this Point, nor how far his Majesty, being the General Mediator, might concern himself, so as to declare against the accepting of particular Mediations; the King of *Denmark*, as well as all the other Parties besides, having in his very *Plenipouvoirs* reserved himself the Liberty of Treating as he should think fit, either by such Mediators as should be received, or else directly between Ministers and Ministers.

I asked him upon this Occasion, What he thought *Sweden* would do? Whether they would accept the Papal Mediation? He told me, he thought they would not; nay, they would make great Advantages of the *Danes* accepting of it, among all the Protestants in *Germany*. Then I asked him, What the *Dutch* would do? He told me they could not be prevailed upon to accept it. I asked him, What Guaranty the Pope would probably give, for any Peace that should be made in the *North*? And afterwards left him to make his own Conclusion. Which indeed he did: That the Papal Mediation was not worth accepting, nor in any Degree for their Turn in *Denmark*: He pressing much that I would write, but withal desiring me that I would give him alone the Answer, and not to *M. Hough*; the engrossing of this Business to himself, I must confess, I do not well understand; *M. Hough* having been with me but a very little while before, and not mentioning any Thing of this; only I am apt to think, his *Attache* is altogether to *C. Antoine*; and how good an Understanding there will be between the Count and *M. Hough*, (which I have some Reason to doubt of) a little Time will shew.

THE same Evening I went to the Allies at their Assembly, and made my Report of the Answer of the *French* Ambassadors upon the *Lorain* Proposition: Some Reflexions they offered at upon the Words, *Vos Excellences & tous les autres Alliez*; observing, that the *French* in those Words meant those that have not appear'd here to this Day; and that if they must be stay'd for, would be a putting back of the Treaty for a very long while: Besides, *M. Kinski* was troubled, that there was a Clause in it about the Bishop of *Strasburgh*; but he (according to the Superintendency he still pretends to) put a Stop to the Debate, and said, they must consider it among themselves. When I had made the Report by Way of Discourse to them, they desired me to dictate it over again, which I did without making any Difficulty to comply with them, the *Imperial* Secretary being called in, to set it down as I did dictate it.

ON *Tuesday* the *Spanish* Ambassadors took an Hour of me, their Business was, as they told me, to make a Report of an Advice they had had lately from their Court. *M. de los Balbases* made first the Narrative of it, but *Don P. Ronquillo* and *M. Christine* (not easily agreeing how



how and where to begin their Report, nor what Words to use) refined upon it so much, and so often, that I thought it would best please them, as it did, that I should take it in Writing (one Clause after another) as they should agree it; it was at last not only to this Effect, but in these Words:

— *Que M. le Duc d'Estrées, Ambassadeur de France, avoit offert au Pape de Traiter la Paix à Rome sous sa direction, & avoit parlé à même effet au premier Ministre du Pape au Cardinal Cibo.*

— *Que cette affaire ayant esté communiquée par le Pape à M. le Marquis del Carpio, Ambassadeur d'Espagne, il avoit repondu, qu'il n'avoit ny Ordre de sa Cour, ny Pouvoir la-dessus.*

— *Que quelque temps apres ledit D. d'Estrées ecroit jusques à trois Billets audit Marquis, offrant encore de traiter tête à tête avec luy, & s'expliquant dans un de ces Billets, qu'encore que son Pouvoir n'estoit que de Traiter sous la direction du Pape, qu'il esperoit pourtant de recevoir d'autres Pouvoirs par le Cardinal son frere, quand il seroit de retour de France, pour Traiter tête à tête avec luy ledit Marquis del Carpio, & d'avantage si le Cardinal différoit son Retour, il seroit venir des Plenipouvoirs à cet effet avec plus de diligence.*

— *Que M. le Marquis del Carpio ayant mandé ce qui est dessus en Cour, & supplie d'avoir les Ordres de sa Majesté Catholique là-dessus, sa dit Majesté repondit, qu'il y etant un Congres & des Traitez commencez à Nimegue, en il y avoit même un Ministre Mediateur de la part du Pape & on estoient assemblez tous les Alliez, que sa Majesté Catholique ne vouloit pas se separer de ses Alliez, & encore moins de la Mediation du Roy de la Grand Bretagne, (the Words encore moins, M. de los Balbases used in his first opening the Thing, but those that they agreed in when they came to dictate were) ny blesser en rien la Mediation du Roy de la Grand Bretagne que sa Majesté Catholique déjà acceptée.*

— *Qu'en outre le susdit Marquis del Carpio avoit eu ordre de coupper court ce Commerce avec le Duc d'Estrées, pour un Traité separé à Rome, & de ne se charger plus d'ecrire à la Cour de Madrid sur ce sujet.*

THIS I took in Writing from their Mouths, as they were pleased to agree it; but by the first Paragraph (as it is here dictated) the Proposition is first made to move directly, and in the first Place, from the French Ambassador, and not from the Pope; and I did put them to it as Home as I could upon that Point; having apprehended it, as *Don P. Ronquillo* told me the Story, which is in my last, to have moved from the Pope first; so that I must beg your Pardon, if I have not rightly understood *Don P. Ronquillo*; you know his Way of expressing himself in French is not so clear.

THEY desired my best Offices in representing this to his Majesty, as an eminent Instance of that Confidence and Reliance that the King their Master hath in his Majesty's Friendship, and in the great Equity as well as Efficacy of his Majesty's Mediation.

THE Solemnity wherewith they communicated to me this Thing, and the Earnestness wherewith they required my Care in it, makes me suppose that they will expect from me that Account of my Diligence, as to be able to tell them, the Thing has been laid before his Majesty; and withal to give them some Answer, such as it shall please his Majesty to make upon it, which I do most humbly submit to.

THE same Evening, as soon as these Ambassadors were gone, the Bishop of *Marscilles*, who had arrived here late the Night before, gave me the Favour of a Visit. I had sent a Gentleman to complement him in the Forenoon, upon Notice given me, by a Gentleman of M.

*d'Avaux's*



## 182 *Letters from the Embassy at Nimeguen.*

*d'Avaux's* Retinuc, that he was arrived, and had taken up at his House. In his Complement, he said, he had made that *Pas Extra* out of the Respect he had for his Majesty as a Great King, that labours so heartily in the Peace of *Christendom*, and in whose Zeal and Affection the King his Master has all the Satisfaction and Confidence possible.

I returned him his Visit as soon as Access could be had to him yesterday (being a great Holy-Day with them): I am informed he had seen the Nuncio before, but none else. When he went from me on *Tuesday*, he took a Turn about the Town with M. *d'Avaux*, but afterwards they came and lighted at the *Danish* Ambassadors, where the Assembly of Ladies happened to be at their usual Divertisement.

M. *Beverning* visited him yesterday at five, and the Bishop was to return the Visit, as M. *Beverning* told me, at 8. I do not hear of any other Visits made him; 'tis said he will be going within a Day or two hence, to see *Amsterdam* and other Parts of *Holland*.

YESTERDAY in the Evening, I had another Conference with M. *Beverning* about Prince *William*, he having sent me a little before the Resolution of the States of the 9th of *April* 1675, which goes herewith inclosed; there is not much in it, as it happens, for our Turn; but he told me, that having written to the Pensioner at large about it, the Pensioner had answered, that he was confident there was among his Papers, some Declaration or Signification of the *Imperial* Ministers to the States, that was much fuller in the Point than that of the 9th of *April* is; that he would search for it, and if he can find it, send it him; so that M. *Beverning* and I resolved it best to stay, till he heard further from the Pensioner; but it was his Wish, that the *French* might be prevailed with to forbear any Mention of Prince *William*, they having brought Embarrasses enough upon the Allies, in the Instance they have made for the admitting of the Bishop his Brother into the Treaty.

M. *Beverning* expressed a great Longing, that the Bishop of *Gurck* would act and appear in Publick, and take the Business out of M. *Kinski's* Hands, who, he says, spoils all, partly by his *Chicane*, and partly by his *Inexperience*. One Instance he gave upon Occasion of the Clause touching the Bishop of *Strasburgh*, which was in my Report on *Monday*, of the Answer of the *French* to the Allies; for of all the Offices I had passed with the *Imperialists* (as my Directions were) from their adverse Party, (I mean the *French* and M. *Ducker*) they, the *Imperialists*, never spoke of it to the Allies; which if they had done, they, the Allies, would have endeavoured to have prevented it from coming on at this Time, to make another *Accroachment* in Conjunction with that of *Lerain*.

M. *d'Olivenkrantz* was with me last Night, (his Colleague being at this Time out of Town and at *Amsterdam*) to acquaint me, that they must be forced to renew their Complaints by Memorial, that they are still debarr'd all Liberty of Commerce with their Court by Letters or Couriers; that whatever the other Parties do in Treating, (as 'tis hoped they may ere long enter into Business) it will not be safe for them, the *Swedes*, to take upon them to treat, when they cannot write to their King; and how unwilling the *Danes* are they should come on to treat, he would have it observed out of the last Letters that were intercepted in a *Dutch* Galliot, for in those Letters their *Plenipouvoirs* in the common Form were sent them, and they are detained by the *Dane*.

I humbly take Leave to send inclosed, the Proposition of a Minister in this Country, to impart a *Secret* useful in Navigation that he has found

found out; he has pursued me much with it, but I can say no more on the Subject, but what the Paper itself contains. I am ever, &c.

*L. Jenkins.*

*Nimeguen, 20th Aug. 1677.*

*Right Honourable SIR,*

**M**Y last was of the 16th, since which I have not any from you to acknowledge.

ON *Monday*, M. *Heugh* having taken an Hour of me, acquainted me how that the *Spanish* Ambassadors had, in the last Assembly save one of the Allies, communicated to them, that their Master had accepted the Mediation of the Prince Regent of *Portugal*. He added, that their Account of it was concise, and touched not at all upon those Circumstances that are generally reported, of the Menaces used by *Portugal*, before their Mediation was received.

THAT the Duke *de Villa Hermosa* had writ to the King of *Denmark*, and the Elector of *Brandenburgh*, to the same Effect, desiring that they would, as his Master had done, accept likewise of the Mediation.

THAT the King of *Denmark* had answered in general Terms, with saying, that he would be forward to concur with the common Measures that his Allies should think fit to take, yet not declaring his Acceptance or Refusal; but that he had upon this Occasion sent to him, his Ambassador here, to see if he could discover how his Majesty stood inclined, as to the admitting or not admitting of this Mediation, into a kind of Partnership with him. That he finding I did not take upon me to know any Thing of his Majesty's Thoughts in this Point, desired I would use the best Means I could, to come to the Honour of some Light of them, so as I may impart the Thing to him in Confidence, since the King his Master will be very much determined, by what he shall know of the Gratefulness, or otherwise, of this Conjunction to his Majesty.

THAT as he did believe his Majesty might be pleased not to make any express Declaration in this Point, so he did hope and desire, that the Way I should take to endeavour to penetrate into this Affair, may be such, that M. *Heugh's* moving in it may be only known to his Majesty, and not get Abroad, so as it may be hereafter objected, that the King his Master did seek out Ways to avoid the Mediation of *Portugal*; and in this, as he desired my Offices, so he required my best Discretion in managing the Secret, which I make no doubt but you will please, SIR, so far to cover, as his Majesty shall judge the Nature of the Affair to require.

HE extremely bemoans the Misfortune of the King his Master, that a Captain of a *Danish* Man of War had met with some Letters going to his Majesty, and had been so insolent as to break them open. He did desire I would touch one Word of it, as to say in his Name, that he has all the Assurance imaginable, that nothing can be more displeasing to his King; and that the Captain shall be either made an Example of by him, or if his Majesty should desire it, be sent into his Hands, he being certain the King of *Denmark* will enter into any Methods that are capable to expiate such an Absurdity.

YESTERDAY M. *Cannon* was with me, to lament (as he did very much) his Misfortune, to be the only Minister here that can have no Manner of Answer to his Proposition, whereas all the other Parties have had long ago not only *Contredemands* to those they had given in, but also Answers upon them, either in Writing or by Word of Mouth.

HE spoke likewise of the great Respect the Duke his Master has for the Most Christian King; and that he is a Prince, that if he may enter into his Estates, will give all Demonstrations possible of it, and will manage the Friendship and Protection of *France* with a Gratitude answerable.

THIS he gave me Commission to say to the *French* Ambassadors upon Occasions: Hereupon I acquainted him, that the *French* Ambassadors did take Exceptions, that his Master's Affairs were managed, not so much by himself as by the Body of the Alliance; they had not, I told him, charged me with that as Part of their Answer to the Allies, but that I perceived by their Discourse, it was one of the Things stuck with them.

THAT if he took his Affairs wholly into his own Hands, and prosecuted them as other Ministers do, I thought he might as well govern himself by their Councils and Directions, as he does at this Time, and in the End have as full a Benefit of their Support in the main, which is not to conclude their own Treaties before his Master be satisfied.

THIS he was easily convinced of, and, to my seeming, would be willing enough to set up as it were for himself; but then must do it with the good Liking of those that have his Affairs hitherto in their Hands, and could not expect their Leave and Liking, unless he might be sure to succeed better in managing his own Affairs, than they have done hitherto; and therefore he told me, that if the changing of the present Method, would give him in any wise Advantage or Furtherance, it should go hard with him but he would get Leave to do it.

HE was no sooner gone, but M. *Colbert* coming to me upon an ordinary Visit, I had the Opportunity to lay before him, much of this that related to *Lorain*. His Reflexion upon M. *Cannon's* particular Concern and Anxiety was, that tho' he had no Answer, yet his Affair was as forward as any other Ministers here; and that *France* pretended to do in that Business, as they had formerly done in the *Pyrenées*, to treat it not as the principal Matter, *mais comme un accessoire*.

THAT as for the Duke of *Lorain's* Person, his *Attache* was so great to the House of *Austria*, that they could not hope otherwise of him, than of a Prince that would be always contrary to the Interests of *France*. That as to his Country, it was of the same Consequence to them, and as formidable to the Heart of *France* on that Side, as *Cambray* was on this.

FROM this Subject, he passed to the making of the Peace in the general, which if it cannot be done this Winter, he feared, he said, it would be a very long while a doing; he added, that *la Politique du Roy son Maître*, did dispose him now to make a Peace, that his Arms are in a flourishing Condition; but that to expect or think he should restore Places of Importance without an *Equivalent*, will be in vain; all Treaties being still made, as the Fortune of the War happens to be advantageous or otherwise to the Treaters.

HE told me, that Messieurs *de los Balbases* and *Ronquillo* had, in particular Conversations with him, told him, they would never be brought to sign any Treaty *desavantageux* to their King; and that he had replied, that Word is of great Latitude, and must receive its Construction

*du sort des armes*, which was the general Measure of Advantage or Disadvantage, whenever a Peace is treated of.

THAT to this they had taken Exceptions, and said it was not so in the Peace of *Vervins*, where *Philip II.* had restored a great many Places to *France*, at a Time when his Arms were in a Condition to advance further, rather than go backward.

THAT he replied upon this, *Philip II.* had then a Motive that brought him to it, which was no less powerful than a losing Game; for finding himself of great Age, and declining, he thought it more eligible to make a Peace upon any Terms, than to leave his Son, who was yet a Minor, in Danger of being exposed to what King *Henry IV.* of *France* might have acted upon him, in that Course of Prosperity and high Repute, that the *French* Arms were then in; that the Most Christian King is at this Time in Circumstances very different from those that *Philip II.* was in at the Peace of *Vervins*, and having nothing of that which *Philip II.* had to apprehend, has no Inducement to make Restitutions, as he did.

THIS Morning M. *d'Esfrades* took the Pains to come and tell me, he had Orders from his Court, to make an Acknowledgment here of the Justice that his Majesty had done them, in admitting of the *Eclaircissement* they had come to with me, about the agreeing to the *Dutch* Treaty of 1662, *en tous ses points*. He enlarged much upon their being in *bonâ fide*, and that it was hard to imagine, that having no other Articles but those touching the Commerce conveyed by us into their Hands, that they should declare an Acceptance of the Articles relating to a *League*, that had never been proposed to them; however, that that Affair is by his Majesty's Royal Goodness well over.

HE having promised me (now above a Week ago) to give me Part of what they should learn concerning the Visits of the Bishop of *Gurck*, and having heard nothing of them, I took Occasion to touch upon that String: He told me, they had heard nothing since, but expected to be informed this Day of what was like to be resolved; that he cannot imagine there can be any Difficulty that will concern me, since he takes it for granted, that I shall have the first Notification before all other Ambassadors, excepting, he said, that which all those of their Religion must perform to the Nuncio: But I could perceive by him, there hath been a Negotiation on Foot all this while, to bring Messieurs *Kinski* and *Stradtsman* into a Participation of that Commerce, which the Bishop's Visit of Ceremony will open between him and the *French*. He told me, M. *Kinski* had proposed, that they, the *French*, should make him a Visit, as to the last Comer in Respect of them, but that they cannot do it: — *le Roy ne l'entend pas comme cela*; however, if Count *Kinski* will come and visit them, they would, he said, receive him.

SOME Days since, Mr. *Cbudleigh* happening to fall into Discourse with M. *de Main*, a Kinsman of M. *Colbert's*, of the Affairs of the Campaign, and of what happened at *Charleroy*, and from thence speaking of the Report which is so general in this Country, and so very unjust to his Majesty, as if my Lord of *Ossory* had been sent over, expressly to endeavour the raising of that Siege; M. *de Main* said, that if M. *Huff*, Secretary to the *Dutch* Ambassadors, had affirmed it with this Circumstance, that the Prince of *Orange* having in the Morning held a Council of War, wherein it was resolved to give the *French* Battle; his Highness had afterwards changed his Resolution, upon a particular Conference that he had with my Lord of *Ossory*. I am always, &c.

L. Jenkins.  
Post-

*Postscript.**Right Honourable SIR,*

**A**FTER the closing of this Day's Dispatch, I am forced to trouble you again with the Memorial inclosed; both the *Swedish* Ambassadors having brought it me just as the Post is going away, but pressing me to make Use of this Opportunity, most humbly to lay it before his Majesty.

THEY tell me, it is for the Liberty of their Commerce with their Court, and they say they must leave this Place unless they may obtain it; it being contrary to all Reason, as well as to their Instructions, to take upon them to treat, while the Liberty of corresponding with the King their Master is refused them.

THEY have desired my Offices, to press the Contents of this Memorial at the next Assembly of the Allies; they see it cannot be done this Day, for they are met by this Time; besides, they tell me the *French* Ambassadors have promised to come to me, and second this Instance; and they think it is for their Advantage that should be done, before the Thing be represented to the Allies.

*L. Jenkins.**Nimeguen, 23th Aug. 1677.**Right Honourable SIR,*

**M**Y last was of the 20th, since which I have not the Favour of any from you to acknowledge.

To that Dispatch I was forced to add a *Postscript*, and therein to inclose a Memorial which the *Swedish* Ambassadors brought me, just as the Post was going; they desired it might be laid, the soonest I could convey it, before his Majesty; the Contents of it importing them extremely; and that I should communicate it to the Allies at their Assembly, which is to be this Afternoon; hoping that in the mean time, the *French* Ambassadors would have a Conference with me, and second the Demands made in the Memorial.

ON *Tuesday* the *French* Ambassadors, at an Hour they had taken of me, acquainted me, how they were engaged in Alliance to second those Desires and Demands the *Swedes* had put into my Hands, in a Memorial of the Grievances they suffer from the *Dane*: They spoke of the easiness wherewith the King their Master had offered an Equivalent to the *Spaniards* of passing through *France*, provided the *Swedish* Couriers might pass through *Denmark*; but that nothing of that would be hearkened unto: That which they enlarged most upon was, the taking of the *Dutch* Galliot by the *Danes*, in which there were not only a Set of Coach-Horses for *M. Oxenstiern*, but also Bills of Exchange, and Provisions of several Sorts for the two Ambassadors and their Retinue; and, which was yet of more direct and immediate Importance to the Treaty, there were taken in that Galliot the Letters and Orders of the King of *Sweden* to his Ambassadors, the *Plenipouvoirs* that he sent them according to the new Form agreed on, as also particular Instructions upon the Project for a Treaty of Commerce, that the *Dutch* Ambassadors gave in for *Sweden*, at the same Time they gave in that  
other

other for *France*; that all this being taken away, the *Swedish* Ambassadors are disabled not only to negotiate, but also to subsist in this Place.

THAT between the *Spaniards* and them the *French*, there are no such Doings, the *Spaniards* shewing all Easiness and Civility possible towards the *French* Ambassadors, in every Thing that concerns their Persons, their Residence, or their Domesticks here; giving all Credit to the very Certificates of the *French* Ambassadors, touching their Domesticks and their Provisions that are to pass through *Flanders*, and they on the *French* Side doing the like towards the *Spaniards*.

I took Liberty hereupon to observe to them, that there were some Words of Sharpness in their Memorial, which I thought incumbent upon me to represent unto the *Swede* Ambassadors, and to desire they would change them into such as there would be no Colour to except against, before I should give it in to the Allies; for otherwise it would be an Engagement upon the adverse Party to return the like Sharpnesses again, and so our Business would come at last to be more of Declamation and Invektive, than of Negotiation, tending directly to the End we all aim at.

THIS they told me I might very well do, when I was to deliver a Message by Word of Mouth from one Party to the other; but when the Parties have reduced their Pretensions into Form, by Way of Memorial or Writing, they said the Mediators were to deliver it in as they should be desired, without concerning themselves in the Language.

To this I told them, the Practice of Mediators had been otherwise in other Places, and I happening to be alone upon the Place, thought it safest to keep to that Practice, until I might know his Majesty's Pleasure in the Thing, or else that my Collegues do return, unto whose better Judgment I shall have all Deference possible.

YESTERDAY in the Afternoon I waited upon M. *Oxenstiern*, and shewed him several Clauses, that had nothing but sharp Language in them, and might be well left out, without diminishing in the least the Force of their Argument.

HE said, he and his Colleague, who is now out of Town, had very maturely considered, not only of the Reasoning, but of the very Words too, and that they did not find it possible for them to express the *coarse* Treatment they have met with in smother Language.

IN that I quoted to him the Example of *Munster*; he opposed to it the Practice of their Ambassadors, being Mediators at *Cologne*, who had not refused to hand any Writing, tho' never so sharp, between one Party and the other.

To that I had to say, that I did remember well, how you and I received their Judgment and Advice in a Case of our own; it was, when the *Dutch* Ambassadors writ us a Letter, to engage us in that Way of Treating by Letter with them, that there being some Expressions in that Letter that might have tempted us to some Sharpness in the Answer, it was their Advice that we should not engage in Writing, nor so much as answer that Letter by another addressed to the *Dutch*, but write a Letter to them, the Mediators, wherein we should desire them to excuse us to the *Dutch* Ambassadors, for not returning our Answer by a Letter directed to them, and to say, we declin'd to do it, for no other Reason, but for Fear we should fall by Degrees into Sharpnesses of Language; and when this Apology was made, that we should speak as we should see Cause to the several Points, and the Reasonings advanced by the *Dutch* Ambassadors; that you and I followed this Advice, and that I thought, that if we had gone by Way of Me-

morial, with sharp Expressions in it, those Mediators would rather have followed the Example of *Munster*, than have complied with us, in handing it to the *Dutch* Ambassadors, and consequently heightning the *Aigreurs* between us and them.

M. *Oxenstiern* told me, the Truth was, they had no great Hopes of having any good Effect in their Applications, therefore that they intended this Memorial to go further, both for their Complaint to all the World, and for their Justification, in Case they leave this Place; which, he fears, they must do, and that their King must give over his Thoughts of Treating, and betake himself to make the best Defence he can by his Arms, and leave the Issue to GOD Almighty.

BESIDES the sharp Expressions in this Memorial, I had two Things more to offer to his Consideration, such as met with great Scruple in me; the one was, that there were several Clauses in it, wherein the States General were mentioned, and therefore desired the Liberty to shew them to M. *Beverning*, before the Memorial were put into the Archives, least he (who is otherwise a very hearty Friend to their Demands of Liberty to their Couriers and Letters, and one that is extremely sensible of the ill Effects the taking of the *Dutch* Galliot has) might complain of a Surprize in the Thing.

ANOTHER Thing that to my Apprehension directly concerned his Majesty, and rais'd in me a very great Trouble of Thoughts was, that in his Name, we should demand a just Satisfaction from the *Danes*, for so many Injuries done to this Congress: What, and how many those Injuries are, and what will amount to a just Satisfaction, I told him, I durst not take upon me by any Means to determine.

ANOTHER Thing was, that the Mediators would suffer the Affairs of all the other Parties to stand still, till Right were done to them, the *Swedcs*, in their Demands. This, I told him, I did not understand neither; and that his Majesty's Instructions will be necessary for my Collegues when they come, and my self, what to do, in Case other Parties should require our Offices while this Affair between them and their adverse Party is depending. This, he said, he would take Time to consider of, and would sleep upon it this Night, saying, he did reckon it his Misfortune, that his Collegue was now away, as I did that mine are not return'd.

My humble Suit to you, SIR, is, that since this Memorial is dress'd rather in Contemplation of a Breach, than in Hopes of the Satisfaction demanded, whether I shall give it in, without having the harsh Expressions in it left out, or chang'd into smother: Another Thing is, that you will, I suppose, think necessary for us here to know, what his Majesty's Reflexions and Pleasure is upon those two Points: The *one*, of demanding Satisfaction from the *Dane* to the whole Congress, which I must confess I do not understand; the *other*, of our superseding the Duties of our Function towards the other Parties, while this is depending.

I have the more Anxiety in this, in that I find the Secretary of the *Swedish* Embassy speak more openly, that they must, and will be gone from this Place, if they have not Satisfaction upon this Memorial; and that the *French*, which I should not have expected, have pressed me to deliver in the Memorial as it was given me.

THE *French*, without Doubt, do know more than I do, of what the *Swedcs* intend to do upon the Success of this Memorial; (of which there is nothing to me that appears very promising) but this I have Reason

to doubt, that if the *Swedes* should be gone, the *French* would treat no longer; I suppose they are bound to do so, if not by the Words, yet by the Equity of the Treaty of *Paris*; and then, I dread to think what will become of all the Pains his Majesty has taken, in forming of this Assembly.

YOU see, SIR, into the Importance of the Matter, further than I do; and consequently will judge what Instructions will be necessary for us to prevent this Breach, which GOD forbid should follow. The Words of the Memorial, I take most Exceptions to, I take leave to send in a separate Paper herewith enclosed.

HAVING writ thus far, comes in the *Lunenburg-Zell* Minister, to take his Leave of me, being to go to the *Hague* for a few Days: I found by him, that the Matter of Character and Rank of Ambassadors, that his Master, and other Princes of *Germany*, pretend to, will not be waved. The Son of M. *Schultz*, Chancellor to that Duke, was intended for *England*, with a Character to solicit that Affair with his Majesty; but the Father being newly Dead, the Son's Voyage is stopp'd.

M. *Muller* spoke with some Indignation of the little Book, lately printed in Favour of the *Electors*, offering at some little Reflexions upon the Writer, as having advanced some Things wherein he was not well founded: He said, his last Orders were not yet come, and seemed to intimate, that those would be, when they came, relating to the Pretensions of the Princes to be equal to the Electors in all Things but the Right of Electing Emperors, which the Princes have yielded to them, saying, that his Master, and their whole House, have a particular Confidence in his Majesty's Equity and Support.

As I am closing, I happen to have Occasion to speak a Word with M. *d'Esstrades*. He tells me, that he and his Collegues had understood from M. *Oxenstiern*, that I made a Difficulty to deliver in his Memorial, as it is now dress'd, without his Majesty's Orders: That he, M. *d'Esstrades*, had delivered his Opinion to his Collegues, that I had Reason *puisque ce Memoire va directement rompre cette Assemblée*; that his Collegues were gone to advise upon this Incident with M. *Oxenstiern*; that he approved of the Temperament I had offer'd to come to, which was, to do my Offices by Word of Mouth with M. *Heugh*, for the Restitution of the Things taken in the Galliot, and to wait for his Majesty's Pleasure and Directions upon the Memorial.

THE Marshal told me, (but in Confidence) that the Nuncio's Auditor hath just now acquainted them, the *French* Ambassadors, that the Bishop of *Gurck* would very speedily notify his Arrival to the Mediators and the rest of the Ambassadors, but not at all to the *French*, being contented to be at the same Distance with them, that his Collegues M. *Kinski* and M. *Stradtsman* were. He told me, there had been some Overtures of an Accommodation between them, and they were willing to see M. *Kinski* at the Bishop of *Gurck*'s, and to receive him with the Bishop, when the Visit was return'd; but he stood upon it, to have a particular Visit from the *French*, and that they refused to give him. I am always, &c.

L. Jenkins.



Nimeguen, 27th Aug. 1677.

Right Honourable SIR,

**M**Y last was of the 23<sup>d</sup>; since which, I have not the Favour of any from you to acknowledge.

ON *Friday* in the Evening, Messieurs *Kinski*, *Heugh*, and *Somnitz*, took an Hour of me, and as from the Body of their Alliance. Their Business was, to desire my further Offices in Order to obtain an Answer from the *French* Ambassadors to the *Lorain* Proposition.

M. *Kinski*, after he delivered the Message by Word of Mouth, told me, he had the precise Words the Allies had charged them with in Writing; and desired me to take them from him, as he should dictate them; the Words were these.

— *Les Instances de leurs Excellences Messieurs les Ambassadeurs des Allies, portez ce 3<sup>me</sup> Septembre 1677 sont en effet.*

— *Que son Excellence M. l'Ambassadeur Mediateur Jenkins leur a porte le 23 d'Aout passé un dire de la part de leurs Excellences Messieurs les Ambassadeurs de France, qui ne contient pas la Reponse sur la Proposition du Ministre de Lorain. C'est pourquoy ils reiterent leurs Instances audit Ambassadeur, afin que par l'interposition de ses Offices de Mediateur, il veuille moyenner que la susdite Reponse sur la Proposition du Ministre de Lorain soit delivree de la part de Messieurs les Ambassadeurs de France ainsi qu'ils ont promis par la bouche dudit Ambassadeur & par celle de son Excellence M. l'Ambassadeur Temple son Collegue.*

HAVING taken these Words in Writing, the Conference was quickly over; for they told me, they would not take upon them to furnish Reasons to enforce this Desire of the Allies; the Thing, they said, spoke clear and loud of itself, and they founded themselves principally upon the Promises that the *French* had made them by us the Mediators; only they observed to me, (but they said, it was by Way of Discourse only) they did not well comprehend, how the *French* could say, (as they did in their last Answer) that the Minister of *Lorain* was as much advanced in his Business, as any other Minister here whatsoever, since all the other Ministers have had Counterpretensions given in to their first Demands, and also an Answer upon those Demands, the *Lorain* Minister having not had hitherto either the one or the other.

YOU will probably take notice, SIR, that M. *Somnitz* was one of the Deputies in this Conference; whereas, in all these Deputations hitherto, one or the other of the *Dutch* Ambassadors appeared in Conjunction with the Ambassadors of the Emperor and of *Denmark*.

M. *Beverning*, in a Visit I gave him next Day, asked me, whether I was not surprized at this Change, and gave me this Reason for it, that he had quite broken with the Allies upon that Point, it being his Judgment, that the Allies do spoil the Affair of *Lorain* and their own, in this Way of managing it; for they might assist him, he said, with their Counsels, without this formal appearing for him; and thus he was willing to do still; nay further, he was sure his Masters would not conclude with *France*, till the Duke of *Lorain* were satisfied; but he is resolved to go on no longer in the managing of the *Lorain* Propositions and Demands, which is properly the Work of the *Lorain* Minister; and he wondred, he said, very much, that M. *Somnitz* having kept him-

himself out of this Embarrass hitherto, should now engage himself in it, without Prospect of doing any Good. He desired me, that when I should make my Report to the *French* of this Deputation and Demand of the Allies, I should let them see by the by, that it was not he, but M. *Somnitz*, that made the third Man.

I am apt to think the *French* and he had had some Discourse together upon this Point, for he told me the *French* complain'd of the Manner that the Allies take, to espouse the *Lorain* Cause; however, 'tis certain, that in the last Assembly of the Allies, (which was on *Thursday*), he was very free and open in declaring his Dissent from them; for M. *Cannon* having been with me on *Friday* Morning, to acquaint me that there was such a Deputation to come, and to know of me whether I would advise him to take his Master's Business out of the Hands of the Allies into his own; he told me M. *Beverning* was of that Opinion, and that he declared to them plainly, that he would go no longer upon such Commissions; that his Masters would be true to their Engagements to *Lorain*; and that excepting *Lorain* and *Spain*, his Masters were under no Obligation to procure the Satisfactions pretended by the other Allies, or somewhat to that Effect: M. *Cannon* touching this last only by the by, and saying, that M. *Beverning* had expressly enough own'd their Engagements to *Lorain*, *au fonds de l'affaire*; but refused to joyn with the Allies in the managing of those Pretensions.

IN this Conversation with M. *Beverning*, he told me, he goes sometimes to the *Spaniards*, and hath been lately with the *French*, and in all his Conversations he does endeavour to sound the Fords, and discover how near they may be brought together; but if he could make up his own Business, he would then, he says, speak more Home to his Allies; nor is his own Business so far from a Close with the *French*, but he may 'ere long be in a Condition to do it, for that a few Expedients would settle all. The Article of the 50 *Sols per Tonneau*, will, as it is now couched, be a great Grievance to them, in Regard of the Exactions and Cavils of the *French* Officers about the Burthen of their Ships; therefore it is necessary to have it marked upon the Mast, or some other conspicuous Place, how many Tons each Ship is of: And for the *Tarif*, unless it be brought lower than it hath been of late Years, there is nothing that they can carry out of their Country into *France* but with Loss; and he says, it is certain they import *Ten Millions of Guilders* yearly of *French* Commodities into these Countries, and do not export a fifth Part of that Value, and vend it in *France*; but their great Excess, he says, is in the Import of *French* Wine, which they have no Way possible to remedy; but that which may be wish'd, but cannot be hoped for, that all these Countries should be brought to a general Resolution not to drink it.

M. *de los Balbaces*, in a Visit I gave him on *Friday*, was very inquisitive how soon I hoped to see my Colleague Sir *William Temple* here; he told me, it was the general Longing to see him returned, all being persuaded he will bring over a Plan from his Majesty, upon which this Peace may be made; and not only a Plan, said he, but likewise some Expedient, whereby the *Point of Honour* may be avoided, and neither of the Parties brought to the Question, Who shall speak first? This I take Leave to mention, because I humbly conceive it to be of Moment here, when we come to enter into Business. The Marquis did upon this, as upon several other Occasions, profess an extream deep Respect and Veneration for his Majesty.

ON *Saturday* I communicated the Instance of the Allies to the *French* Ambassadors, and they calling to me for their precise Words, I dictated to them as above. They told me, that since the Allies had taken so much Time to deliberate upon their Answer (for 'tis a Matter of 10 or 12 Days since they received it) they must not be hasty in their Reply; but must advise likewise with their Allies the *Swedcs*. M. *Colbert* took Notice, that in the Message I had now brought them, there was nothing said touching the Bishop of *Strasburgh*, and with some Heat represented his Case as much fitter to be taken into Consideration here, than the Duke of *Lorain's*; his Estate being much more incontestable, both in Title and Possession, than the Duke's; and his Minister being much more behindhand than the Duke's; for the Duke's Minister is acknowledged, his *Plenipouvoir* agreed to, and his Proposition accepted, and nothing of this is yet done for the Bishop or his Minister; the Reason is, because the Allies, he said, have yet no Mind to a Peace; the Bishop of *Gurck* having been heard to say very lately, that this is not a Time to make a Peace, it cannot be now made but advantageously for *France*, therefore that he did not hope for it at this Time. These Words of the Bishop of *Gurck*, he said, he did communicate to me in Confidence: The Issue of this Conference was, they would take Time to deliberate of the Reply they are to make, they would speak with the *Swedish* Ambassadors upon it, and would bring me their Answer themselves.

LAST Night M. *Stradtsman* giving me a Visit, I laid before him the Difficulty that was like to be about the Bishop of *Strasburgh*; it being likely the *French* would be as earnest to bring him into the Treaty, as they, the *Imperialists*, are to keep him out; yet that the *French* would have the Advantage of that Clause that is in the *Imperial Plenipouvoirs*, whereby they, the *Imperial* Ambassadors, are enabled to treat with the Ministers of the Most Christian King, and *with those of his Allies*.

HE said, they were willing to hear any Proposition from the *French* in his Behalf, but that they could not receive him as an *Ally* of *France*, in Regard they had always understood from us (the Mediators), from the Discourses of the *French* themselves, nay, and from M. *Ducker* too, that he was no *Ally*, but an *Adherent only*.

I told him, I knew nothing in particular of his Alliance, but that I had always thought he was a Kind of an *Ally* to *France*, tho' not such an one as was in War against the Emperor; for that when the Confederates would have added (in the *Plenipouvoir*, to the Words *& de ses Alliez*) these Words, — *qui sont contre Nous en guerre*, the *French* had opposed it, lest thereby M. *de Strasburgh* should come to be excluded this Treaty: The Close was, that he, M. *Stradtsman*, wish'd heartily there were no other Point but that to delay the Peace, they would quickly get over it; but he thought it reasonable the *French* should content themselves with appearing for him, and not labour to introduce a particular Minister in his Behalf here; and since there is no other Prince in the whole Empire in his Case, (that is, divided from the Emperor and Empire) it is not for his Service, M. *Stradtsman* thinks, to be brought thus upon the Stage.

HE told me, that the Nuncio had passed some Offices with the *French* Ambassadors about burning of Towns in the Dutchy of *Fuliers* and otherwhere, and that their Answer was, the Soldiers did it without Orders, which the Allies know not how to believe.

THIS Morning M. *Petcum* was with me, to tell me how sensible Count *Antoine* is of the Embarrass he is to enter into about his first Visits, the *Imperialists* expecting from him the first Notification, and desiring that I would enter into some Expedient, for he is now come upon his Estate three Hours off, and will be in Town this Night.

I told him I had dealt very clearly and plainly with M. *Heugh* in this Point, that my Orders were exprefs, to pretend the Notification before the *Imperialists*, and that I had let M. *Heugh* know as much.

M. *d'Avaux* comes to me upon the same Subject, to tell me from himself and his Collegues, that they understand Count *Antoine* will be under a great Temptation to pass me by, and to pay the first Respect to the *Imperialists*; which, if it be done, will bring them, and probably the *Swedens* to, into the Embarrass of not seeing him. I am always, &c.

L. Jenkins.

Nimeguen, 30th Aug. 1677.

Right Honourable SIR,

MY last was of the 27th, since which I have not any from you to acknowledge.

SOON after that Dispatch was gone, Messieurs *Colbert* and *d'Avaux* came to me, (as they said, in Pursuance of a Promise they had made me, when they should have any Thing certain of the Bishop of *Gurck's* appearing in Publick) to consider with me of such Precautions as were to be taken; they and I finding the Bishop of *Gurck* going to work the same Way that the *Spaniards* had gone a Month ago, in his Visit of Ceremony; for he was visited by the *Spanish* Ambassadors in the Forenoon on *Monday*, and he returned them their Visit the same Afternoon.

It was agreed among us, that I should endeavour to get something in Writing, by way of *Eclaircissement* (such as *Don P. Ronquillo* had given me) upon that Interview; and that I should endeavour to procure it from the Bishop himself, in Regard that the same Thing from M. *de Kinski*, or M. *Stradtsman*, would not have the same Weight, for that they were no Parties to the Visit.

HEREUPON I drew up a Letter to the Bishop of *Gurck*, and then went and shewed it to M. *Stradtsman*, and desired first his Judgment, then his good Offices upon it; in the Draught, he had nothing to except to, and promised to second it with the Bishop; the Copy of it goes herewith.

ABOUT nine at Night I received an Answer to it in Writing from the Bishop of *Gurck*, which is likewise here inclosed. M. *Colbert* was dissatisfied with that Expression in it, of the *tres-auguste Maison*, and no more, as if we were bound to understand it of the House of *Austria*.

However, he and M. *d'Avaux* (the Marechal being absent) found it in the reasoning Part to be just the same with that which *Don P. Ronquillo* had writ to me upon that Subject, it turning upon those three Heads: 1. The Practice between the Ministers of that House. 2. The Example of *Munster*; and, 3. The Acquiescence of the Nuncio; who, as M. *Stradtsman* said, did not stir for any *Eclaircissement* from the Bishop; but the *French* Ambassadors do say, that when he had understood (as it seems he did by them) that I had got an *Eclaircissement* in Writing, his Auditor was imployed next Morning to procure the like for the Nuncio.

## 194 *Letters from the Embassy at Nimeguen.*

BEING possessed of this Letter from the Bishop, I was notified at 9 on *Tuesday* Morning, and had the Hour of 11 given me; next to me, the *French* had 3 assigned them in the Afternoon; the *Dane* 4; the *Brandenburghers* 5; M. *Oxenstiern* sent his Excuse, for that his Collegue was not in Town; and so did M. *Beverning*.

I find M. *Oxenstiern* is not satisfied, that the Notification was fair and indifferent; this his Secretary has given out, but I have not yet heard any Thing from him to that Effect.

YESTERDAY the Bishop of *Gurck* returned his Visit to me at 11; to the *French* at 3; to the *Dane* at 4; and to the *Brandenburghers* at 5; his Equipage was 4 Coaches and six Horses, about 18 Footmen and 6 Pages. He told me, when I made him a little Apology, that I durst not appear in Visits with any other Equipage, than that his Majesty had intended for an Example to the Assembly, and that we had always kept ourselves to his Rule; that he was extremely troubled, when he was told that that Article of the Reglement, which his Majesty had proposed to the Assembly, had not had the Luck to be universally observed, as well as the rest have been, he judging of the whole as extremely useful; and the Article of regulating Trains of most Use, and of greatest Importance in this Place.

IN his Complement, he spoke fully of his Majesty's Merit and Glory, both with this and after Ages, for the Pains he hath taken, and the Zeal he doth shew in the Exercise of this Mediation. His Majesty will meet with all Concurrence possible, he said, from the Emperor, all his Actions hitherto having shewed him to be a *Pacifick Prince*; and his Majesty will easily perswade himself of the Emperor's Disposition to enter into a Peace, when he shall please to consider his Unwillingness to enter into a War. He instanced in the War in *Poland*, and the other in *Denmark*, and this present War, *s'estant laissé tirer comme par les Cheveux*, (that was his Expression) before he would be brought to take up Arms in either of them: and the Emperor, he says, relies extremely upon his Majesty's Mediation.

HE was in both the Conversations I had with him very inquisitive to know what News and Hopes I had of my Collegues speedy Return hither, there being great Hopes depending upon their Return.

As I am closing, M. *d'Acaux* tells me, the Nuncio had an *Eclaircissement* from the Bishop of *Gurck*, which differs nothing from that which M. *de los Balbases* had given him, upon Occasion of the other Visit: He hath promised me a Copy of it, which shall go, if not by this Post, then by the next. He told me, the Affair of M. *Kinski's* and M. *Stradtzman's* Visit of Ceremony was once all adjusted, by a Declaration intended to be given between them by the Nuncio; but that all was broke off again, and that they had most Reason to complain of M. *Stradtzman*.

THAT which M. *Kinski* stood upon was, that they should give him a private Visit at his House, before the Interview in the Body of the Embassy, and then his Revisit should be solemn with the Bishop of *Gurck*. He told me, that if there had happened some Misunderstanding between the Bishop of *Gurck* and me, (which it seems some were Well-wishers to) the whole *Imperial* Embassy would have broke Commerce with us here, and by that Means, and upon that Pretence, play'd their whole Business into the Nuncio's Hands.

I am apt to think the Nuncio has given them, the *French* Ambassadors, some Declaration, that is fuller than the Bishop of *Gurck's* *Eclaircissement*, either to the Nuncio or to me; for M. *d'Acaux* tells me,

me, the Nuncio declares, he does judge the Interviews between the Bishop of *Gurck* and the *Spaniards*, to be *bors de rang*, and takes them to be of no Consequence to him, and for the same Reason of no Consequence to the *French*; for they, the *French*, are more than a little concerned, least this should be a Prejudice to what they pretend, upon the last King of *Spain's* Declaration.

If the Nuncio does take upon him to make any such Declaration, I do not see why a Declaration of the same Kind, made by his Majesty's Ministers here (when we are together), is not as decisive as the Nuncio's; if he does it as Mediator, ours is as good; nor can I think of any Plea he has.

Count *Antoine* being come to this Town late on *Tuesday* Night, I was with M. *Petcum* this Morning upon the Subject of his Visit of Ceremony, and desired him to represent to the Count, with my most humble Service, how I do propose to myself the Happiness 'ere long, not only of paying him my Respects, but also of seeing his Majesty have the same Satisfaction in the Count's Ceremonials, as he hath hitherto had with all the Ambassadors of this Assembly. I desired M. *Petcum* to consider, how many they were in Number, that had paid the first Respect to his Majesty, not doubting but that he, the Count, the Ambassador of a King, joined in Blood as well as Alliance with his Majesty, would be careful to pay him the same Respect that so many great Princes had done by their Ministers: Then I left with him in Writing an Extract out of our *Cologne* Instructions, which are in these Words: — “ You are to know, it is fundamentally agreed between us “ and the said Most Christian King, that the first Place shall be on all “ Occasions given to the Mediators; that is to say, the first Visits upon “ their Arrival, even tho' they should happen to be the first upon the “ Place, as also the Upper Hand in the Place of Conference, and even “ in all ordinary Conversations during all the Time of the Treaty.” — This I left with him, having given him a full Account how the Practice upon this Article had gone all along at *Cologne*.

He gave me good Words in the general, and desired me to assure myself, they would have a special Regard to *their Mediator*; that was his Expression; but did not tell me it was resolved on, that the first Notification should be to his Majesty's Ministers. I am ever, &c.

*L. Jenkins.*

'A M. l'Eveque & Prince de *Gurck*, Chef de  
l'Ambassade Imperiale.

27 AouR  
6 Sept: 1677.

MONSIEUR,

J'AUROIS extrêmement souhaité qu'une occasion moins importune, que n'est celle-cy, m'eut donné quelque entrée auprès de vôtre Excellence, pour luy témoigner, sans y mêler d'autres affaires, le respect que je porte à son Caractère, à sa Personne, & à ses Merites. — J'aurois toujours attendu la meilleure commodité de V. Excellence pour m'acquitter de ce devoir; n'eut été que je viens d'apprendre que V. E. est entrée aujourd'huy avec leurs E. E. M. M. les Ambassadeurs d'*Espagne* en Visites de Ceremonie, sans que j'aye eu aucune part à la notification,

ol. II.

B b 2

comme

comme je croyois estre en droit d'en avoir ; & qu'il à esté pratiqué jusques icy dans cette Assemblée. C'est pourquoy il est de mon devoir d'autant plus, de tâcher de m' éclaircir de ce qui s'est passé à cét égard, que leurs Excellences Messieurs vos Collegues, Monsieur, on trouvé bon dans leur Visite de Ceremonie de rendre les premiers respects à sa Majesté le Roy mon Maître, étant Mediateur reçu de toutes les Parties qui composent cette Assemblée. V. Excellence jugera, s'il luy plaist, comme quoy je suis obligé de rendre un conte fort exact de la Conduite, que je tiendray dans une affaire comme celle cy ; s'il arrivoit que V. Excellences voulût se servir d'une Conduite differente de celle de Messieurs ses Collegues, envers un Ministre du Roy mon Maître, puis qu'il à plu à sa Majesté en l'absence de Messieurs mes Collegues, de m'honorer d'une Commission, par laquelle je suis obligé de fournir, entant que ma petite capacité le pourra faire, à tous les devoirs aux quels l'Ambassade de S. M. fournissoit au paravant. V. Excellence Monsieur, verra bien par là la difficulté où je suis, & jugera combien j'ay besoin d'un éclaircissement bien net, sur ce qui c'est passé aujourd'huy de sa part, afin que je puisse me justifier dans la Conduite, que j'ay à tenir tant à l'égard de ce qui est dû au Roy mon Maître, qu'à ce que V. Excellences pourroit attendre de moy, qui desire passionnément de faire voir par des effets, que je suis avec vérité, MONSIEUR, &c.

*L. Jenkins.*

## Reponse de Monsieur l'Eveque de Gurck au Billet de Monsieur Jenkins.

27 Aoust, 1677.

MONSIEUR,

J'ay reçu le Billet de vôtre Excellence, où elle témoigne quelque scrupule de ce que j'ay reçu aujourd'huy visite, & que je l'ay renduë à leurs Excellences Messieurs les Ambassadeurs de sa Majesté Catholique, devant que d'avoir notifié mon arrivée à V. Excellence. Sur quoy je diray, que je n'ay fait en cecy que ce qui à été pratiqué entre les Ministres de la tres Auguste Maison & nommément dans l'Assemblée de *Munster*, dont le Nonce du Pape (le rang du quel parmi les Puissances Catholiques est incontestable) ne fait aucune difficulté, par où je ne vois pas que vôtre Excellence puisse avoir sujet d'y en faire aucune : elle doit aussi estre persuadée, que si lors que leurs Excellences Messieurs mes Collegues ont fait leur Ceremonial, il y eut en cette Assemblée des Ambassadeurs de sa Majesté Catholique en public, ils n'en avoient pas usé autrement. Au reste je prie V. Excellences de croire, que tant par l'ordre de sa Majesté Imperiale, que par ma propre Inclination, je témoigneray tousjours la derniere veneration pour sa Majesté de la *Grande Bretagne*, & l'estime particuliere pour le Caractere & la Personne de vôtre Excellence, & que je suis veritablement, MONSIEUR, &c.

*Jean Eveque de Gurck.*

*Nimeguen, 3 d Sept. 1677.*

*Right Honourable SIR,*

**M**Y last was of the 30<sup>th</sup> past; since which, I have none of yours to acknowledge.

M. *Spanheim* delivered me a Letter some while since, that his Electoral Highness, the Prince Elector *Palatine*, had done me the Honour to write to me, about his Affairs depending here; the Copy of it goes herewith enclosed, as also the Answer I took leave to write to his Electoral Highness.

THE Difficulty he sticks at is this: He thinks it not fit to enter as a principal Party, and in his own immediate Right, into this Treaty; he would willingly come in as an Ally to the Emperor and the Empire, who are bound by Treaty to procure him Satisfaction; but then, his Electoral Highness would avoid, if he could, the giving of a *Plenipouvoir* on his Behalf to the *Imperial* Ministers, before he does see what they are like to procure for him: Therefore he proposes, that the Mediators would dispense with the Formalities and Rules here observed in this Concern of his Electoral Highness. My Endeavour is to shew, that we cannot dispense, where the Parties do not think fit to concur; for Instance, the producing of a *Plenipouvoir* is a Formality requisite, the adverse Party may call for it when they please, either at their first entring upon the Business, or else they may defer to require it, till all be agreed and ready to sign; but whenever they do call for it, the Mediators have it not in their Power to dispense with the not producing it, the Thing being wholly arbitrary, and in the Power of the adverse Party; all we can do is, to employ our Offices in desiring them to forbear calling for it, till the Matter treated of be in some Forwardness.

HIS Electoral Highness's original Pretensions do yet stick in the Hands of the *Imperialists*; there is something in the narrative Part of them, that intimates how the Elector hath suffered before this present War, by the non-Execution of the *Westphalique* Treaties, but his Demand of Reparation is not extended beyond the Damages of this War: The *Imperialists*, it seems, make a Difficulty to deliver in the Pretensions prefaced with that Narrative, and so that Matter depends at this Time.

ON *Saturday*, M. *Petcum* call'd upon me in his Return from the Bishop of *Gurck*, where he had been making his Visit of Ceremony; he told me, he offered at some Discourse with the Bishop, about Count *Antoine's* first Visit to the Mediators, and how that would be no Prejudice to the Emperor, in Regard there was no Prince that stood in Competition with him as Emperor; but that the Bishop was so full, and so high upon the Point, that he was glad to hold his Peace, and to leave the further managing of it to M. *Heugh*.

MY Answer was, that let the *Imperialists* be never so high, I would be sure to observe my Orders.

HE was no sooner gone, but M. *Heugh* came to complain of the same great Heights; and to give me an Account of a Conversation M. *Stradtzman* had entred into with him, upon the same Subject; in which he told him, M. *Heugh*, that it would be an Affront to the Emperor, not to give his Ministers the first Visit; that there was no Instance in any Story tending to countenance it, but all to the contrary; that the

*Venc-*



## 198 *Letters from the Embassy at Nimeguen.*

*Venetian* Mediator at *Munster*, was without any Rank at all, in Regard of that Function; and the Electoral Ambassadors, who have always disputed the Precedency with the *Venetian*, did dispute it there, notwithstanding his Figure of Mediator; that Kings, who have a Competition among themselves, may have given in to this Expedient, to avoid Embarrass with the Mediators; but that there was no Reason or Colour to expect that the Emperor, who is out of the Rank and Competition, should give into the Expedient.

WHEN I had observed unto him in a very few Words, that I had not heard of any King in *Christendom*, that did allow the Emperor to be out of their Rank, or to be any more than the first in their Rank; that the King my Master would not possibly get any Thing by this Deference that is paid him; but that the Emperor would gain his Point if it be paid him; which is, *to be of an higher Order of Monarchs than Kings*; that the King having practised it at *Cologne*, and received it from all the Parties here, I have no Reason to believe he would depart from it now: I concluded with him, as I did with *M. Petcum*, that my Orders were precise, and that I would keep close to them.

THUS it is apparent, the *Imperialists* do take all Occasions to put this Assembly into a Disquiet; in the mean Time, *M. le Comte Antoine* is gone on *Friday* upon his Estate three Hours off, and will be here some Time this Week, and make his Notifications.

IN this Conversation, *M. Heugh* took notice to me, how he heard that the *Swedish* Ambassadors had put a Memorial into my Hands; and desired to know, what was become of it. I told him, he might come 'ere long to hear of it; that it was now in their Hands again, and would receive their second Thoughts upon some Words in it, before it should be put up to the Assembly of the Confederates. That the Matters in it were, in my Apprehensions, of exceeding great Consequence to this Assembly; and therefore I hoped we should, when it came, receive from him such an Answer upon it, as might contribute to carry on the great End of our being here, and secure us from any Interruptions.

HIS Answer was, that he knew very well, how they, the *Swedes* Ambassadors, do in that Memorial, and, of late, upon all other Occasions, threaten to be gone from hence; and that he believes the *French* do influence them very much in this; that they think fit to give out, that they, the *Danes*, are most desirous of a Peace; but if the *Swedes* will needs go on in the War, they must do as well as they can; in the mean Time, that they, the Ambassadors of *Denmark*, will stay here, and help to make up the General Peace for the rest of *Christendom*.

THAT he can go no further than he hath already offered, in the Matter of Passage for Letters and Couriers; his Allies, the *Spaniards*, having call'd upon him in the very last Assembly of all, not to yield to any further Conveniency for the *Swedish* Letters and Couriers, till the *French* do give them, the *Spaniards*, an Equivalent in the same Kind.

THAT *M. Oxenstiern* might have easily prevented the Inconveniency befallen them in taking the *Dutch Galliot*, in its Return from *Gottemburg* to *Amsterdam*, if they had called on him, *M. Heugh*, for his Passport, and he had given it to *M. Lilljroodt*, and ten Persons, to go in that Galliot over into *Sweden*; and he would have readily, upon the least Intimation, given it to any Number of Persons, and to any

Hardes coming back ; by this Means this Trouble and Loss would have been avoided ; but now it being a Caper that has taken this Galliot, there is little Hopes of recovering any Thing.

ON *Friday* the *French* Ambassadors came to desire me (in Regard they had had yet no Answer upon what they had moved by me in the Bishop of *Strasburgh's* Behalf) that I would renew my Instances, to have that Bishop's Minister and *Plenipouvoir* received. I have acquainted the *Imperialists* and the *Dane* with it, (they being the last that were with me upon the Business of the Allies) and they have referred me to make my Report again to the Allies in their Assembly, which will not be till after this Post is gone.

JUST as I am closing, comes the two *Swedish* Ambassadors, (M. *Oxenstiern* being returned two Days ago) and tell me, they had considered of the Observations I had made upon some Words and Passages in their Memorial ; that they would have no Difficulty to conform to those Alterations I desired in it, but they fear 'tis now too late ; several Copies being gone Abroad of it as now it is, and the very Original to his Majesty : But in Regard that they desire nothing more than to attain to the Ends of that Memorial, it is indifferent to them, they said, whether those Ends be compassed by that Memorial, or any other Way ; therefore they left it to my Discretion, to negotiate the Business either by producing their Memorial, or by ordering my Offices otherwise, as I should think most conducing to a good Effect ; but they did not think fit (as Things stand) to give Way to any Alteration.

THEY desired of me, that they might be at a Certainty what to trust to within a few Days, and to that Effect they offered to limit me to fifteen Days ; for if the Treaties should begin, said they, and all Parties negotiate their Affairs, and they not have the same Liberty with others, of having a free Recourse to their Master, as they cannot enter into Business, so they will not stay here and look on.

THEY told me further, the *French* Ambassadors have lately had Orders to stand by them, & *les appuyer*, in this Demand especially, as well as in all other ; that they had told them this Day they would do so, and that they would (as they had Orders) make the same *Demarches* they, the *Swedes*, did ; M. *d'Olivenkranztz* adding, that *France* was bound not to treat either of Peace or Truce, without procuring them, the *Swedes*, the like Liberty as themselves had to treat.

THEY told me further, that the Most Christian King does approve of their Memorial as it is ; that this being the last Memorial they are resolved to give in upon this Subject, they must use the Expressions in it, since if it succeed not, it is to go further for their Vindication : They desired me to represent these Particulars to his Majesty by this Post, and that I would begin to negotiate as soon as I could possibly ; which I promised to do, but absolutely declined their Pretence to limit me to a Time, to give them any Account either of his Majesty's Pleasure or Directions ; telling them, as I did once and again, it would be a Thing most absurd in me to take upon me ; it would be so likewise if I took upon me to give them an Account of the Success of my negotiating here, since the first Account was to be given to his Majesty, in case the Difficulty could not be overcome in a Business of this infinite Importance ; that the Being of the Assembly depended upon it (it being always in his Majesty's Power to find a Remedy, where we should be utterly at a Loss) : Nor can I be so vain, as I told them, as to presume to take upon me to do that which the Embassy may do in a Business of this Nature ; therefore that I must suppose, that the Offices of the Embassy may

## 200 *Letters from the Embassy at Nimeguen.*

may be more prevailing than those Instances I should make, being here all alone: Besides that, I did expect one, if not both my Collegues, to be here in a very short Time; and that it was to me very probable, (this last Memorial being, as I supposed, come to Hand before the coming away of either of them) there may something of his Majesty's particular Instructions upon this Point be brought hither when they come. I am always, SIR, &c.

*L. Jenkins.*

### To Mr. Secretary Coventry.

*Nimeguen, 6th Sept. 1677.*

*Right Honourable SIR,*

**M**Y last general Dispatch, addressed to Mr. Secretary *Williamson*, and whereof there was a Duplicate addressed to you at the same Time, was of the 3<sup>d</sup> Current; since which I have the Favour of yours of the 31<sup>st</sup> of the last Month to acknowledge; and therein his Majesty's gracious Goodness, in not disapproving of what I had done here upon the *Swedish* Memorial, in suspending to give it in, as it is now dress'd, till I might have the Honour to know his Majesty's Pleasure, in a Matter that seem'd (to me at least) of very great Importance.

THAT which has fallen out since in relation to the *Swedes* and their Memorial, is for the most Part accounted of in some Paragraphs of my last general Dispatch, wherein it will appear, how the *Swedes* were willing that I should forbear for some Time the giving in of their Memorial, if there was any Appearance of compassing the Ends of it by any other Means; but were not willing (or rather were resolv'd not) to change any Thing of the harsh Language in it, or of the Demands they make of Offices, (to my seeming) very improper for us to adventure upon without his Majesty's special Direction: I mean, *first*, That of our demanding that the *Danes* should give just Satisfaction to this Assembly for so many Wrongs done them; and, *Secondly*, That we should forbear the doing of our Parts in our Function between other Parties, till they, the *Swedes*, be in the same Condition with them, as to the Freedom of Correspondence with their Court.

ON *Friday* M. *d'Olivenkrantz* was at M. *Beverning's*, some few Hours after that he and his Colleague had been with me, to complain about their Memorial; his Business (at leastwise in Part, as M. *Beverning* told me) was, to make his Complaints against my refusing to give in their Memorial to the Confederates. He used several Arguments, but none of them, it seems, served to convince M. *Beverning*; for he was so far of the contrary Opinion, that when M. *d'Olivenkrantz* offered him, nay, pressed him, to accept a Copy of that Memorial, he excus'd himself, and said, that since the Mediator had made some Scruple to hand it over to their Alliance, he did not desire to meddle with it, least a Door should be opened that Way to Sharpness, after the Mediator had endeavour'd to shut them out; and that he could very well stay, and would do so, till the Mediator could get those Alterations made in it, as he should think fit, in Order to give it in without Offence; he being not of Opinion, that Mediators were to be made a kind of *Letter-Carriers*, and were not at Liberty to use Precautions for the preventing of Sharpnesses that may arise upon Writings between the Parties, it

being unreasonable that they should be made the Ministers of other Mens Heats and Passions, since it is the principal Part of their Function to endeavour to allay, compose, and prevent them, as much as is possible.

THIS Account I had yesterday from M. *Beverning* himself; and tho' he refused to receive a Copy of the Memorial from M. *d'Olivenkrantz*, yet he desired a Sight of it from me privately, (which he had) that he might prepare himself for Conversation with the *Swedes*, as far as he shall find the States his Masters to be concerned in that Memorial, or can hope to be useful to bring the *Danes* to Reason.

M. *Beverning*, in the several Conversations I had with him on *Moh-day* and yesterday, complain'd of the *Danes*, that they were intolerable in their Proceedings; that the States have several *Demêlés* with them at this Time; one about their own Mariners, without whom, he said, the *Dane* can do little at Sea; the Difference is about two *Swedish* Men of War that had escaped the *Danes* in the late great Fight, and fell into the Hands of the *Dutch*, as their Fleet was coming up next Day; they will allow the *Dutch* no Share in them that took them, upon Supposal that they had been disabled the Day before, while the *Dutch* had no Part in the Action: — *Ces Messieurs là feront toujours ce qu'il leur plaira à moins que sa Majesté Britannique Envoye une Vintaine de ses Navires de guerre dans la Mer Baltique pour y mettre le Holà*, — was an Expression he used with some Emphasis, among many others upon that Subject; saying, that his Masters were bound in Honour to get full Reparation done them, especially as far as the restoring of all Things to the *Swede* will amount to, for the taking of that Galliot, wherein the *Swedes* are so much interested; it being, said he, most directly against the Treaty between *Denmark* and them, to have meddled with this Galliot, since it was *Dutch*, tho' it had been full of Contreband Goods; but this Case touches them in Point of Honour too, the Galliot being lent by Order of the States General, and under the Flag, and with the Passport of the Admiralty of *Amsterdam*.

My Business with M. *Beverning* was, to learn from him what Establishment had been made between them and *Denmark*, for the Passage of Letters from *Holland* into *Sweden*, and so back; that if that Establishment proved to be such as ought in Reason to content the *Swede*, his Majesty may please, if it be so thought fit, to endeavour, by his Mediation with *Denmark*, to get the same Establishment to be made and fixt in Favour of the Treaty here, for the passing of Letters to and fro, as the *Hollanders* have gotten for their Merchants; and his Majesty, when he sees that Establishment, may please to determine what is further to be demanded, and had in Favour of the *Swedes* in this Treaty. Upon this Foot, I humbly suppose, the Passage of Letters may be settled. But M. *Beverning* was not able to tell me any Thing certain, but took a Note to write to the *Hague*, for an Extract of what concerned this Point.

THE next Thing will be for Couriers, which is hardly to be done but by a *Route* prescribed them; and to that End, I have put the Project that M. *d'Olivenkrantz* gave us in some Months ago, (where it is pretended that the Couriers shall not need to make above 10 Hours Way within the *Danish* Territories, and that not near any Armies or strong Places) into the Hands of M. *Petcum*, to consider of, but have not yet had his Reflexions upon it.

FOR the Restoring of the Things taken in the Galliot, tho' I find the States will be warm enough in it, yet I have begun my Offices about them with M. *Heugh*; he says still, the *Swedes* must blame themselves,

the calling upon him for his Passport would have prevented that Mischief, and that hardly any Thing can be recovered from the Caper.

WHILE M. *Beverning* and I were upon this Subject of the Galliot, and the Papers taken in it, he said, the great Secret of their Affairs was in that Galliot, nor does he know how well it was disguis'd in Cypher; only there is come to the Hands of the States, a Letter of the King of *Sweden's* to his Ambassadors here, wherein he complains extreamly of the States, and treats them, he is sure, far otherwise than they deserve; he not knowing wherein they merit otherwise than well of him; he, for his Part, having done all he could fairly do for the *Suedes*.

He told me also, that *France* had lately entered into a stricter Union and League, than they had before with *Sweden*; that it is not above a Fortnight or three Weeks that they have News of it. That they, the *Suedes*, had been a great while endeavouring to get off from *France*, and to come over to them, the *Dutch*; that he had negotiated the Affair to get reasonable Terms for them, but that he could do no good, *quoy qu'il croyoit de la lumiere de la Pouvoir faire*; for that the *Suedes* stood upon having all restored to them, and would not be brought to part with any Thing of what the *Dane*, the *Brandenburger*, and the *Luncnburger*, had conquered upon them; that hereupon he gave over, and seeing his Offices would not prevail, had not seen the *Suedes* these three Months.

IN this Conversation, we had some Discourse of the Carriage of the *Spanish* Ministers in *England*, whereof your two last give so abundant Evidences. He said, he could not comprehend what they do propose to themselves, nor, supposing they should be able to bring it about to embroil the King and his People, (which God forbid) what Help that would be unto them, or what that could conduce to save what they are every Day losing: He says, the States General are aware of their ill Conduct in *England*, & ont pris des Resolutions bien fortes, and have written to M. *Van Beuninghen* upon this Occasion. He looks upon them, he said, as a People that are in Despair, and do therefore heed the less what they do.

THE *Imperial* and *Spanish* Ministers have had no Communication, he says, with M. *Van Beuninghen*, upon some Punctilio of Treatment, which he does not well comprehend what it should be; he being *Ambassador Extraordinary*, and they *sans Caractere*, that was his Expression. M. *Van Beuninghen*, to shew himself easy where the Publick Good was concerned, let them know, he was willing to admit of Expedients; but the States being informed how the Thing stood, have expressly forbid him to enter into any Expedient whatsoever.

He told me further, that his Highness the Prince of *Orange* had writ him a Letter of four Sheets of Paper, all with his own Hand, wherein he does, among other Things, clear my Lord the Earl of *Ossery* from having ever opened his Mouth, either at the Council of War, (where he spoke not at all) or in private, to move his Highness, in Order to suspend or divert him from any Action he was upon, or might be thought to have in his Head, in the late Miscarriage near *Charleroy*.

ON *Monday* I was at the Assembly of the Confederates at their usual Hour, and made my Instances with them, as the *French* Ambassadors had desired me, to have the Minister of the Bishop of *Strasburgh* received as a Party. The Bishop of *Gurck* having recapitulated those  
few

few Words I said, thank'd me, as is usual, and told me the Assembly would deliberate upon it.

YESTERDAY in the Forenoon, M. *d'Olivenkrantz* was with me, to acquaint me, his Collegue and he had come to a Resolution, that he should take a Journey to wait upon his King, wherever he be, in Order to represent the State of all Affairs to him, and to be fully instructed for this Negotiation. That he was to be gone very suddenly, and therefore was come to take his Leave of me; he had acquainted M. *Beverning* three Days before of this Journey; he reckons to be out about five or six Weeks; so much Time, he said, would be taken in settling the Freedom of Passage, as they pretend to have it, for their Letters and Couriers through *Denmark*; and till that be done, his Presence would be of very little Use here.

WHEN I let him see the Surprize I was in, I told him, that my Concern was very great his Return should be the speediest possible, least that if in his Absence any Advance should be made towards them, the *Swedens*, or even towards their Allies the *French*; the Want of his Presence, in Cases to be determined between him and his Collegue, and in Cases to be consulted and advised upon between them and the *French*, (as Allies that go Hand in Hand) should be a Hindrance and a Stop upon all the Parts of our Negotiation here.

THE Hopes he gave me that it would be no such Thing were faint enough; and he was pleased to suppose, that there would be nothing of Moment advanced on either Side while he should be away; rather than to assure me, that his Collegue and his Allies had a Power, and would be in a Disposition to go on, if any Thing should be brought under Deliberation, in Order to a Dispatch in the mean while.

I must confess, I am not without Apprehension upon this Incident, tho' there may be Domestick Reasons besides the Publick ones, that may have brought him to make this Journey.

I most humbly thank you, SIR, for the Intimation you are pleased to give me, of M. *de Wallenstein's* late Request to his Majesty, that we might have Orders to communicate with the Pope's Nuncio here, and of his Majesty's Answer upon that Request.

WE having in *January* last had his Majesty's precise Orders not to do it; my Collegues and I have kept as close as is possible to the strict Letter of those Orders, nothing in the least having passed directly or indirectly on our Part, tending to take Notice of his being in this Place, much less to acknowledge him, or have any Commerce with him, or with any Person whatsoever that belongs to him.

WHAT Grounds M. *de Wallenstein* hath to presume the *Dane's* Consent, I know not; sure I am, that Account I gave in one of my late Letters was out of his own Mouth, and (as near as I could carry them away) in his own Words. I am, &c.

*L. Jenkins.*

To Mr. Secretary Coventry.

*Nimeguen, 10th Sept. 1677.*

Right Honourable SIR,

MY last was of the 6th; and having not had the Favour of any from you, since that of the last of *August*, nor from Mr. Secretary

than to transmit unto you the Letter enclosed from the Duke of *Deux Ponts* to this Embassy, and the Memorial of his Minister, that Duke having chosen this Way of Recourse to his Majesty's Protection.

THIS Minister represents the Duke his Master to be in a Way of coming to great Straits for his own Subsistence, and that of his eldest Son's Widow and her Sister, whom he is bound to maintain; his Country being not only extremely harassed, but, by the burning down of his Villages, and the deserting of his Subjects, become in most Places absolutely desolate.

THAT which he desires is, to be spared in the Contributions that the *French* do now exact in his Country with the usual Rigours; and he thinks himself very well founded to desire it, in Regard he hath not in the least failed in his Respects to the Most Christian King, or transgressed in the Neutrality he professes to observe; and also, for that he is so near of Kin to the King of *Sweden*, (so considerable an Ally of *France*) and who is to succeed this Duke, as next Heir Male.

I did represent to this Minister what Answer I was like to have from the *French* Ambassadors, if he would needs press me upon any Office of this Kind towards them; and it proved to be so, as it happened heretofore in our Applications for his Highness Elector *Palatine*, the Duke of *Newburgh*, and the Count of *Nassau*: They owned indeed, the Duke of *Deux Ponts* to be not only a Neutral Prince, but one that the King their Master had a particular Regard for; but withal said, the regulating of Contributions was altogether foreign to their Commission here, and they must refer him to those in the Court of *France*, (naming M. *de Louvois*) that have the Direction of those Affairs, where they doubted not but he should find good Justice; M. *Colbert* adding, he believed there was a Necessity for the *French* to do what they did in that Country, for that their Enemies had Supplies out of it.

I laid hold of this Conference, to take notice to them of the Count *Antoine's* being return'd to Town, (as he hath been ever since *Wednesday*) and of what was discoursed, of the Expectations he should visit the *Imperialists* in the first Place; giving them an Account also of the Diligences I had used both with M. *Heugh* and M. *Petcum*, and of the Obligation I was under to pretend absolutely, that the first Notification and Revisit should be given me before the *Imperialists*.

M. *Colbert* told me, that they were resolved (and he hoped his Colleagues then present would not disavow him) to follow the same Fortune as I should have, and not to visit him, unless I had the Opportunity of the first Visit given to me before the *Imperialists*; and therefore, that they were of Opinion, that in Case the first Hour were assign'd to the *Imperialists* before me, and that I should find the *Imperialists* to make their Visit at that Hour, then, and in that Case, I should not visit at the Hour assign'd me.

I laid before them an Inconvenience that would be in that Course; which was, that I should herein vary from what my Colleague Sir *William Temple*, and my self, had done in the Case of the *Swedes* Ambassadors, we having gone on with our Visit with them, notwithstanding we knew, that they, the *French*, had visited them before; and we resolving (as we did) to insist upon the first Revisit before them, the *French*, which if we had not had, we would not have received them.

BESIDES this Example, I was apprehensive, that in refusing to visit at the Hour assigned me, tho' it should be after the *Imperialists*, I shall



that had I visited him at all, he would have given me the first Revisit, as the *Swedes* had actually practis'd it; and as the *Spaniards* declared they would practise in their Revisit, tho' the *French* should have visited, as they had taken an Hour before me.

THIS they were pleas'd to weigh and consider of; but their Judgment and Resolution upon it was, that the Assignment of Hours is, (according to the Stile and Practice of this Assembly) a Declaration of the Preference given in the Notification, and of the Order intended in the Revisit; therefore it was their Sense and Advice, that I should pretend the first Hour to be assign'd me; but that to prevent Count *Antoine's* having any starting Hole given him, by my balking to visit him; and that he might have no colour to say, he would have given me the first Revisit, had I given him any Visit at all; that as soon as I should discover, that the *Imperialists* were upon their Visit of Ceremony at his House, and before me, I should have a Gentleman ready to step in to the Count, (as soon as the *Imperialists* should have done their Visit) to tell him, that I should not be able to give him a Visit without his Majesty's Orders, in Regard I had not had the first Hour assigned me, unless he would assure me, that he would give me the first Revisit before the *Imperialists*; which if he did, it was the Opinion of the *French* Ambassadors, I might go on with my Visit; if not, break off there.

THEIR Advice being unanimous in this Case, I think it safest for me to follow it; tho' I must confess my own poor Judgment, had not theirs interven'd, would have lead me to choose the other Way; but seeing they have given their Opinion so fully, and also declared so frankly, they intended to make no Step, but as they found Satisfaction and Right done to his Majesty in this Point; I intend to take the Way they have commended to me; only I will have two Gentlemen more in a Readiness to send, the one to M. *Heugh*, and the other to M. *Petcum*, to make the same Representation, as I intend to Count *Antoine*, unless I may be so happy, as to receive the Honour of his Majesty's Directions upon this Point, before this Notification be made; which I am the more in Hopes of, in Regard I have humbly represented this Difficulty in one of my Letters a good while since.

M. *d'Esstrades* (as we were breaking up this Conference) told us, he thought Count *Antoine* would not appear in publick so soon as we expected; for one, that had Reason to know much of his, Count *Antoine's* Mind, had told him that very Morning, that Count *Antoine* finding the Mediator would give in to no Expedient, he would make no Visit of Ceremony at all, but let himself insensibly into the Business of the Place, by joyning himself, as Occasion served, with M. *Heugh*, who is in it already.

I have nothing yet of our Colleague Mr. *Hyde*, but what is in the *Haerlem* Gazette, of his being arrived at *Bruxells* on *Wednesday* Morning last; if his Highness the Prince of *Orange* be still, as he was lately, near the *Sambre*, and that Mr. *Hyde* hath no Occasion to attend his Motions, or to take *Bruxells* again, or the *Hague* in his Way hither, I shall suppose he will choose to go upon the *Sambre* to *Namur*, and from thence upon the *Meuse* to *Liege* and *Maeſtricht*, till he come to a landing Place, within an Hour of this Town; and if he happen to steer his Course that Way, I do hope he is already well advanced in his Journey hitherwards, where I shall be most joyful to see him returned. I am always, &c.

*T. Jenkins.*



## To Mr. Secretary Coventry.

*Nimeguen, 13th Sept. 1677.*

Right Honourable SIR,

MY last was of *Monday* the 10th; since which, I have none either from yourself, or Mr. Secretary *Williamson*, yet come to Hand, the Wind being still contrary; and to Morrow will be a Fortnight; since the Date of the last I have had from yourself.

ENCLOSED I take leave to send you a Memorial, that *M. le President Cannon*, the *Lorain* Minister, put into my Hands, with a Desire I should give it the *French* Ambassadors; but having observed to him, that there were in it some Mis-Allegations of Matter of Fact, and that for him (now he takes his Master's Affair into his own Hands) to begin with a Memorial in Writing, was not so convenient, in Regard that the Use that is made of Memorials here, is most commonly to set hard the adverse Party, and to put him as much as may be in the Wrong; he was content I should do my Offices for him by Word of Mouth, and was convinced it would be Time enough to have Recourse to Memorials, when he finds that the *French* (notwithstanding his Conduct now, since he takes his Business into his own Hands, is such that they cannot except against) will give no Answer to his Proposition.

YESTERDAY, I took an Hour of the *French* Ambassadors upon this Occasion, and represented to them the great Mortification *M. Cannon* professed to labour under, in that he cannot have an Answer from them to his Proposition: That he foresees the Business of this Assembly will be multiplied 'ere long; and fearing that the Concerns of others may entangle his, he desires to be, before that can fall out, in the same Condition with the rest of the Parties that are upon this Place; there being none, that hath given in a Proposition, but hath had his Answer upon it a long while since, himself only excepted: That he professed; that whatever the Answer, that shall be given him, shall happen to be, that he will receive it with that Respect that is due to the Most Christian King and to his Ambassadors; that I did desire them to excuse me, in that I could not be otherwise than very earnest and pressing in this Instance; for that *M. de Cannon* did appeal to what I did know, and had reported to him, of the good Hopes that they, the *French* Ambassadors, had given of an Answer from them.

To this the *French* Ambassadors answered exceeding calmly, that they desired a little Time to consider of the Instance I had made; that they themselves would bring me their Answer to it, and hoped to be able to make it appear, that *M. Cannon* has no Right to press them for an Answer, until his Allies do give them Satisfaction in the Point of the Bishop of *Strasburgh*, and until the Bishop's Minister be acknowledged by the Allies, and his Proposition received, as *M. Cannon* had been acknowledged by them.

*M. Osenstiern*, in a Conversation I had with him yesterday about the *Swedish* Letters and Couriers, took Occasion to tell me, somewhat more expressly than at other Times, how necessary it was that *Denmark* should give them all reasonable Satisfaction, and that speedily, in that Point, otherwise that this Assembly would be in Danger to be dissolved.

THAT if any Thing should betide M. d'Olivenkrantz, that should hinder his speedy Return to this Place, he thought the King his Master would rather recal him, than resolve to send another; that he (M. Oxenstiern) cannot, as Things now stand, enter into Business without a Collegue, and without Instructions suitable to the present State of Affairs; and that if he did not, he assured me the *French* would not, nay, could not: *Estant obligez de ne Traiter ny Paix ny Treve, sans Nous & estant resoluz de suivre Nos Pas*; these were his Words.

M. Petcum told me on *Tuesday*, (when I called upon him for his Reflexions upon the Project of a Passage for the *Swedish* Couriers by the Way of *Femeren*, that I had put some while since into his Hands) that he had sent it to the Chancellor of *Denmark*, and desired his Consideration upon it, but had yet no Answer; he shewed me the Copy of the Letter he had writ, it was in *French*; and in the Close of the Paragraph touching this Project, he observed to the Chancellor, that the *French*, for ought he perceived, had no great Mind to a Peace; and if so, they may probably lay hold of this Pretence, and lay all the Blame and Envy of continuing the War at their Door in *Denmark*; for that they, by stopping all Commerce between the Ambassadors of *Sweden* and their King, render it impossible for them to enter into any Part of this Treaty.

IN this Conversation, he let fall a Word of Count *Antoine's* Impatience to enter into Commerce with the Mediation; that he hoped it would be ere long, only he was cautious in what he had to do, *car nous sommes resoluz de n'offenser personne*. We have nothing more as yet of his Notification, or appearing in Publick. He hath seen some of his Allies, and they him, but without any Parade.

ALL I have from our Collegue Mr. *Hyde*, is a Letter of the 2<sup>d</sup> of *September* from *Flushing*: He was then going up for *Antwerp*. Some of his Baggage and Family are come into this River, but are hindered (a Matter of 10 or 12 Hours below us) from coming up by the contrary Winds.

IT is but just now as I am closing, that I receive from M. d'Avaux, a Copy of the *Eclaircissement* that the Bishop of *Gurck* gave the Nuncio, upon his visiting the *Spaniards*, the Day before he was to visit the Ambassadors of this Assembly. I cannot but take Notice, that it is contrived, as if it had been written, not only by Way of preventing the Nuncio, before he should have Cause to ask for any such *Eclaircissement*, but before the Interview itself between him and the *Spaniards* was made. But it is clear to me, by the Relation of the *French*, and by M. *Stradisman's* Words, that the Nuncio did not send to ask for it, till I had gotten mine over Night; and that it was not given the Auditor till the Morrow after that the Interview between the Bishop and the *Spaniards* had passed. I am always, &c.

*L. Jenkins.*

To Mr. Secretary *Williamson*.

*Nimeguen, 13<sup>th</sup> Sept. 1677.*

Right Honourable SIR,

HAVING since the finishing of this Day's general Dispatch, (which I address to Mr. Secretary *Coventry* in its Original, with a Duplicate to yourself by this Post) received the Favour of yours of the 4<sup>th</sup> Cur-

## 208 *Letters from the Embassy at Nimeguen.*

Current ; I shall take Leave to do no more at this Time, than barely to acknowledge it, and the two Extracts in it ; one of *Philip IV.* his Will, another of a Resolution of the States General, relating to Prince *William of Furstemburgh* ; and by this Means put myself into the Course of addressing henceforward the Original Dispatches to yourself, as we have been used to do, hoping that your next will bring me the Directions necessary upon the Points depending before you, and give me Occasion to repeat the Assurances of my being, SIR, &c.

*L. Jenkins.*

*Nimeguen, 17th Sept. 1677.*

*Right Honourable SIR,*

SINCE my last, which was of the 13<sup>th</sup>, I have the Favour of yours of the 7<sup>th</sup> Current to acknowledge, and therein his Majesty's express Pleasure to insist for a Notification in the first Place, and before the *Imperialists*, from Count *Antoine* : This Mr. *Hyde* (who arrived here yesterday in the Afternoon) comes Time enough to bear his Part in the Execution of ; for the Count has not notified his Arrival as yet, tho' we are told he'll do it very suddenly ; what was behind of his Equipage being come from *Amsterdam* on Friday last.

INCLOSED goes the Extracts of several Letters from the *Dutch* Minister at *Copenhaguen*, to the States his Masters ; being an Account how he had once established the Passage of the *Holland* Letters through *Denmark*, and of the Interruption it had met with. I desired M. *Beverning* to procure for me an Account of what the States had proposed to themselves, and effected in that Matter, that you may please to consider, how far his Majesty might think fit to propose it, and with what Alterations, in Favour of the Letters from *Sweden* to this Place, and from this Place to *Sweden*.

I do not find by M. *Beverning*, that the States are in a Way to get the Interruption that now lies upon all the *Holland* Letters remedied ; only he speaks with a very great Dissatisfaction of the Proceedings of *Denmark*.

ON Friday I performed my Offices with M. *Hugh* (the best I was able) to get Right done to the *Swedens* (as they desire in their Memorial) : 1<sup>st</sup>, For the Liberty of their Letters. 2<sup>dly</sup>, For a Passage to their Couriers. 3<sup>dly</sup>, For the Restitution of those Things that had been taken in the *Amsterdam* Galliot, returning from *Gottemburgh*. I had not Access to him sooner, by Reason he had been ill some Days of a Fever. It would be too long to trouble you with the Reasons I urged him with, and with his Answers ; for that you have had upon several Occasions an Account of all that is to be said *pro* and *con* upon that Subject ; besides that, I could obtain nothing of him, but that he would write to the King his Master, and give him an Account of this Application of mine, as an Instance renewed in his Majesty's Name, after that the Contents of the *Swedish* Memorial had been laid before him.

IN this Conversation I let him know, that his Majesty had had lately Occasion to take Notice of the Orders he had formerly given us, to have no Manner of Communication with the Pope's Minister here, nor to acknowledge him in the least : That I had, upon the Knowledge of this, repeated to some of the Ministers here, the Declaration that my Collegues and myself had made heretofore, pursuant to his Majesty's Orders

Orders in that Matter, and that in repeating the same to him, it was the best Account I was able to give him of his Majesty's Judgment, as to the Government of his own Ministers, in the Enquiry he had made of me some Time since, touching the having of Interviews with the Nuncio.

WE did not end this Conversation, without his falling very warm upon the Business of Count *Antoine*, and his interlacing of several little Stories at *Cologne*: The one was, that the *Dutch* Ambassadors had refused, being the last Comers, to visit the Mediators, tho' they had an Intimation from them, that it was their Pretension and Desire; and that M. *Beverning* had given them Leave to produce him (if need were) to justify that Fact. Another Story was, that M. *Meyercroon* had told him, M. *Heugh*, Count *Tott* happened to come in, while M. *Courtin* was at his House upon a Visit to him, that they were in so great an Embarrass, that neither of them would sit down, but each endeavoured to gain the Chimney; and M. *Courtin* quickly broke off, whispering M. *Meyercroon* a Word in the Ear, and taking his Leave, as if Count *Tott* and he had Business together, which M. *Courtin* would not interrupt.

To the Practice at *Cologne* I could say something positive; to the rest of his Arguments, I opposed his Majesty's precise Orders, and I knew nothing but to obey, and keep close to them.

ON *Sunday* I was to visit M. *Christine* upon his Return out of *Flanders*; he fell likewise upon the Business of Count *Antoine*; and being over that, he asked my Advice and Help, to get some Parcels of Books that he had bought in *Spain*; he having been advised by his Merchant at *St. Sebastian*, that there was no Way so safe, as to put them on Board an *English* Ship that went for *England*; but that then, unless there were some body to take Care of them there, they might come to some Inconvenience in the Custom-House. I told him, I had several Acquaintance of very good Note among the *Spanish* Merchants, and would do what I could to serve him by them: But that I found by my Letters out of *England*, that those Merchants at this Time were, upon some Words and Writings scattered Abroad, put under Apprehension that *Spain* would make a War upon us; and that they feared it would be begun with seizing of their Goods, tho' we have a Treaty with *Spain* that is most express against such Seizures, if there should happen to be a War: He smiled at it, and said, there was no such Danger: *L'Espagne n'est pas en état d'attirer plus d'Ennemis sur le Bras.* I am always, &c.

*L. Jenkins.*

*Nimeguen, 20th Sept. 1677.*

Right Honourable SIR,

SINCE the last Dispatch from hence, which was of the 17th, we have the Favour of yours of the 11th Current to acknowledge; and we humbly thank you for the Pains you are pleased to take, in repeating to us by it his Majesty's Pleasure concerning Count *Antoine's* Visit, and for the Notice you are pleased to give us, how we are to govern ourselves, in case the *Dane* should move us again, touching the Judgment his Majesty may be of, in relation to the *Danes* having any Commerce with the Pope's Minister, or to their accepting the Mediation of *Portugal*; and tho' the late Declaration of his Majesty to Count *Wallenstein*, hath already been very lately communicated to M. *Heugh*,

yet we shall be sure (both of us) to let him know once more in Form, the strict Injunctions we are under, not to have to do with the Pope's Minister in any Manner or Thing either of Business or Conversation.

THE Return that his Majesty is pleased to direct that we should make to the *Spanish* Ambassadors, shall be made with the first Occasion: But in Regard of some Applications made to us severally by M. *Colbert* and to me Mr. *Hyde* by M. *d'Avaux* likewise, we humbly conceive, as the *French* are pleased to understand it, you will judge that his Majesty's further Directions will be necessary for us in Incidents of this kind; for on *Sunday* last, M. *Colbert* having taken an Hour of me Sir L. *Jenkins*, began with me by way of Complaint, (tho' in very civil Language) that I had been, as they understood by M. *Barillon*, too hasty to represent the Account that the *Spanish* Ambassadors had given me, of a Design to set up a Treaty at *Rome* between the two Crowns, without acquainting them, the *French* Ambassadors, with the Charge; who would have been able, he said, to satisfy me, that the Ambassador of *France* at *Rome* did not, nor could not offer at any such Thing; it being the Meaning of the Most Christian King, that all his Affairs should be managed by the King our Master, in the Equity of whose Mediation he placed his greatest Confidence.

I confessed freely I had done it; nor did I labour to excuse myself any further, than in owning I might be easily mistaken in my Conduct, especially being here all alone; but that if there were a Fault in what I had done, it was for Want of better understanding my Part in this Function; it being my Persuasion, that the Embassy of *Spain* having charged me with a Relation of a Matter of Fact, which had not passed upon this Place, but so many hundred Miles off, and wherein there was not any Thing charged upon, nor so much as a Mention of the *French* Ambassadors here, nor of any Thing pretended to be said or done upon this Place, I thought it had been committed to me as a Secret, to be laid in all Humility before the King my Master; and his Majesty, not I, to give what Heed he should think fit to the Relation; and discover by the Means and Methods he should prescribe, what Truth there was in it, and how and which Way the Thing was capable of an *Eclaircissement* from the *French* Side.

HERE I took the Liberty so far, as to put it to him, Whether, if they, the *French* Ambassadors, had had the like Information from their Court, or from their Ambassador at *Rome*, that such Overtures and Advances, in order to a Treaty there, had been made to *France* by the Marquis *del Carpio*, and desired me humbly to represent it to his Majesty; whether, in that Case, they would have allowed of my going to the *Spanish* Ambassadors, and taking upon me to hear what they would say by way of Opposition or *Eclaircissement*, before I should transmit such a Relation to his Majesty.

HE was not pleased to answer directly to this; but it being an Incident, new in its kind, he would not censure what was already done, but that for the future, desired we would hear them upon any Information that should happen to be given us to their Prejudice, before we reported it to his Majesty; it being a Confidence that they have, he said, some Title to hope from us, in Regard they intend to use all Confidence towards us, as principally relying upon his Majesty's Mediation.

THE very same Discourse, M. *Colbert* first, and then M. *d'Avaux*, held to me Mr. *Hyde*, at the first Interviews I had with them now at my Return; desiring, that however this first Incident had passed, we should do no such Thing for the future without first hearing them; giving for

a Reason, that they would be sure to deal with all Sincerity and Openness with us, their Orders being so, and their Inclinations likewise, their special Confidence being in his Majesty's Mediation, and not in the Pope's, whom they find to be very partial to the *Spaniards*; they telling me further, that if any Proposition be made to them by the Pope's Minister, or by any other Means or Party whatsoever, it shall not remain for so much as one Hour's Space in their Hands, but they will forthwith acquaint us with it.

WE take Leave to lay before you this minute Account, that we may have his Majesty's gracious Directions, how to govern ourselves in the like Cases for the future; for it is our humble Opinion, that every Thing that is deposited with us, in Order to be laid before his Majesty for his Information, ought to be a *Secret* towards All others; and that it is then only we are at Liberty to endeavour an *Eclaircissement* with the adverse Party, when the Party that makes the Charge desires it, or when his Majesty directs it; or else when the Charge is of such a Nature, as to become a present *Accrochement* to our Negotiation here, and that not to be taken away, but by an *Eclaircissement* from the other Side.

UPON the first Interviews I Mr. *Hyde* had with Messieurs *Colbert*, *Heugh*, and *Beverning*, they severally enlarged themselves, concerning the Difficulty now depending about Count *Antoine's* Notification and Visit; but M. *Colbert* having taken upon him to enter into this Business, and having been with me several Times, on *Tuesday*, yesterday, and this Day about it, the Subject-Matter of all was the following Expedient, *viz.* that Count *Antoine* should, instead of notifying his Arrival to the Mediators, come and visit them in *Parade*, yet without notifying them of his Arrival, or expecting their first Visit to him, and that he should at this Visit produce his *Plenipouvoir* to the Mediators.

WHEN this should be over with the Mediators, he would have the Count notify his Arrival to the *Imperialists*, and the rest of the Ambassadors in the usual Manner, and then receive their Visits of Ceremony; M. *Colbert* declaring himself to be of Opinion, that the Business thus carried, the Respect to his Majesty would be the greater, in that the Mediators are made, as it were, Judges of the Count's *Plenipouvoir*, and that it lies in their Power (which M. *Colbert* really looks upon as belonging to the Function) to declare Count *Antoine* Ambassador or not, as they shall find his Powers in good Form or otherwise; he conceiving that the first Visits in all Cases were ordered to be made to the Mediators at *Cologne* to that End. To this I told him, I could answer nothing, till I had first discoursed it with my Colleague, which I told him I would do, and return him both our Opinions upon it.

THIS being on *Tuesday* over-Night, next Morning (which was yesterday) your Letter of the 11<sup>th</sup> came to Hand, than which there can be nothing more express, for our insisting upon a first Notification; which made us both conclude, that whatsoever had the Name of an Expedient, was therefore to be avoided by us, and that the least Variation from the Methods hitherto used in this Place, both in notifying and visiting, was not to be adventured upon by us, without new Orders from his Majesty.

WHEN I acquainted M. *Colbert* with this, he was satisfied as to one Part, that we could not with Safety depart from the Letter of our Orders, but wished however, that we would write of it into *England*; which gave me Occasion to ask him, whether we should mention it as an Expedient that he proposed of himself, or else as a Thing he believed the *Dane* would give in to? To which he answered, it was yet

no more but an Expedient of his own thinking on, but he would speak of it to M. *Heugh*, and then be able to tell me more.

THIS Morning, he, M. *Colbert*, came again to me, and desired me to write of this Expedient as a Project of his own, in Regard that having spoke with M. *Heugh*, he had no other Answer from him, than that he would speak first with his Allies; M. *Colbert* telling me further, himself would write of it to M. *Barillon*, as a Thing in which he was perswaded his Majesty's Dignity would not suffer.

THERE being nothing else of Business in Agitation upon this Place, we are perpetually attach'd almost in all Conversations as if we, who should, in Virtue of our Office, remove all Difficulties, were difficult of ourselves, and will bring an *Accrochement* upon the whole Negotiation by this Business of Count *Antoine's*. The best Answer and Defence that we can make is, that his Majesty, in this Pretension, does not propose to himself any other Advantage, than to maintain the Dignity of all Kings, which would suffer, if the Emperor were allowed to be of another Order above them; and that if any one Ambassador should not pay the first Respect to the Mediators, as all the rest have done hitherto, all the rest would retract what they have already done, and his Majesty's Ministers would be in the same Embarrass with those of other Crown'd Heads, as those Ministers are one with another, and consequently would be incapable to transact any Business with any of them in any third Place. We remain always, &c.

*L. Hyde.*

*L. Jenkins.*

*Nimeguen, 24th Sept. 1677.*

*Right Honourable SIR,*

SINCE our last, which was of the 20th, we have the Favour of yours of the 18th Current to acknowledge; and therein his Majesty's Pleasure, touching the Interests of the Duke of *Courland*, in Case they should come to be considered of in this Assembly.

As to the Person that has the Secret for preparing Pitch for shipping, he is written to, according to the Address he hath left here, and desired to come over hither, with an Intimation that we shall take a Journey into *England*. If we do not hear from him within such a Time as the Letters (which come and go by a Courier) do usually return, we will send one on Purpose to find him out.

ON *Thursday*, the *Spanish* Ambassadors came at an Hour they had taken of us, to desire our Offices towards the *French*, for the ceasing of certain great Rigours, that the Intendant of *Lille* threatens to proceed to against some Persons of the best Quality in *Flanders*, that have Estates within the *French* Conquests.

THE first Proceedings at *Lille* were by Way of Reprisals, upon Occasion of the *Spaniards* proceeding against the Baron *de Quincy* as a Deforter; but, notwithstanding the *Spaniards* have since ceased their Proceedings, the *French* have revived and go on with theirs, and have summoned several Persons to come in, and render themselves within two Months in the *French* Quarters, and there take the Oath of Fealty to the Most Christian King, or else to have their Castles razed, and their Trees cut down. How the Matter of Fact hath been carried on by Way of Process by the one Side and the other, will appear by a Memorial they left with us, the Copy whereof goes herewith enclosed. But

the main Grounds they proposed in Order to move us to do our Offices in this Case were, that now we are entring into Negotiations for a Peace, such Cruelties (having been never known in former Wars) would beget an Aversion from Treating, and render the People desperate; and that if such further ruinous Courses were taken, there would be little left to the Subjects of *Spain* to treat about.

WE performed this Office with the *French* Ambassadors next Day; but the *French* desired to be excused from charging themselves with Writing upon any such Subject to their Court, as being foreign to their Commission. It cannot be denied, they said, but their King may use such Endeavours to weaken his Enemies, they having those that are really the Subjects of *France* in their Troops in great Numbers; that the *Spaniards* will doubtless use the same Endeavours against the *French*: That if the *Spanish* Ambassadors had any Proposition to offer them towards the Peace, they would receive it, and answer to it; but for this, let the *Spaniards* take their Remedy where they could, they would not so much as take the Memorial out of our Hands, we presenting it to them, telling us, they had been pressed by the Nuncio in the Morning to the same Effect, but that they had excused themselves in the same Manner.

IN this Conversation, the *French* Ambassadors acquainted us with the great Readiness their Master is in to come to a Peace; that he was willing to give the States General the same Terms for the Commerce and Navigation of both Nations, that had been agreed by the Treaty in 1662. That the *Dutch* Ambassadors did finally insist to have the *Droit de 50 Sols per Tonneau* abolished, and desired a Fixation of the foreign Duties upon a more moderate Foot than now it is: That the Most Christian King hath not thought fit to comply with them in either of those Points, which are the main Things in Difference between them; that they, the *French*, could have wished, they would have come to a full Agreement; and the rather, because the *Dutch* Ambassadors would have been (their own Affairs being once fixt) very zealous to second our Offices in the Mediation, and would have pressed their Allies to come to Reason. That they, the *French*, thought it was suitable to the good Correspondence they desire to hold with the Mediators, to communicate to us the State that their Affairs with the *Dutch* at present are in, to the End we might be privy to every Thing that hath pass'd between them and the *Dutch*.

THIS is the Subject and Substance of a long Discourse M. Colbert made, to which we did not see any Thing we had to reply, more than to thank him (as the Stile is) for the Communication.

WE took this Occasion to remind them of the *Lorain* Proposition that is in their Hands, and of the longings of that Minister for an Answer; but they let us know, there was none to be expected, till the Bishop of *Strasburgh's* Minister be acknowledged, and his *Plenipouvoir* received by the *Imperialists*.

THIS being over, M. Colbert entred upon telling us, how M. Hengb seemed to be (the Night before) less difficult than he used to be, in allowing the Mediator's Plea to be visited before the *Imperialists*; but that he, and Count *Antoine*, can do nothing, till they have the Answer of the King of *Denmark*, upon what they had represented of the Expedient, that he, M. Colbert, had proposed to him; which was, (as you'll find by our last) that Count *Antoine* should give us a Visit *en Parade*, but without notifying us, or expecting the first Visit from us, and then notify the other Ambassadors, and receive their first Visits in  
the



## 214 *Letters from the Embassy at Nimeguen.*

the usual Manner. He told us besides, how M. *Heugh* had intimated to him, Count *Antoine* would be glad to give us a Visit in private, and without *Parade*; and that he, M. *Colbert*, had delivered it to him as his Opinion, we could not receive him, he having so long since visited in that private Manner, not only the *Imperialists*, but the greatest Part of the Ambassadors and Ministers here.

ON *Saturday*, we gave the *Spanish* Ambassadors an Account, how the *French* Ambassadors had excus'd themselves from doing any Thing upon their Memorial: The Reflexion they made upon it was, that we might judge from such an Answer, how little Inclination the *French* had to a Peace.

THE same Evening, we gave M. *Oxenstiern* an Account of the Offices performed both with M. *Heugh* and M. *Petcum*, about the Passage of the *Swedish* Letters and Couriers, and about restoring the Things taken in the Galliot, with the Answer they had given, which was no more, but that they would write to their Court.

M. *Oxenstiern* seemed to be much in Apprehension, that the Answers from *Denmark* would be delayed, for that there had Time enough already passed to receive them in. He was therefore very instant, we should carry the Business, and deliver that Memorial of theirs we have in our Hands, to the Assembly of the Allies, to the End he may be in some convenient Time at a Certainty, and know what to trust to; telling us, his staying here much longer would be to no Purpose; and that they, the *Swedes*, intended the Memorial for their Protestation, in Case they were forced to leave this Assembly, which they would be sorry should fall out, in Regard the *French* were obliged by Treaty to follow their Example, which would be, as he feared, a dissolving of this Congress.

HAVING given him an Account of what his Majesty's Judgment and Directions to us were, concerning Memorials that should happen to have Terms of Sharpness in them; we told him, we would, if he so thought fit, first do our Offices with the Confederates severally, and then give him an Account, how far we should prevail with them, to second our Offices with the *Dane*; this he accepted of, but pressed us to procure a speedy Return, without which, he said, he must again declare it to be to no Purpose for him to stay here.

YESTERDAY we began to do our Offices in this Matter with M. *Beverning*; he was sensible of the Inconvenience the *Swedes* labour under, for Want of Communication with their Court; but that he did not look upon their Affairs to be in such a Posture, as would encourage them to leave this Place so abruptly; nor did he see what Advantage they would get by it: On the other Side, he did profess not to like of the Voyage that M. *d'Olvenkrantz* has made; and he thought, that there appear'd of late less Inclination in the *French* to a Peace, than formerly, & *qu'ils songent à une autre Campagne*. For the *Swedish* Letters, he promised he would see what he could do with M. *Heugh*, and would try what would satisfy M. *Oxenstiern*, and would also write to the Pensioner upon this Occasion, tho' the States have not much of Satisfaction with the *Dane*; and that he thinks this may be the last Supply the States will send them.

AFTER we had finished our Dispatch, Messieurs *Kinski*, *Heugh* and *Beverning* came to us, in the Name of the Allies; and having represented to us, how the Matter of *Lorain* stuck still in their Way to any further Progress, and how desirous they were to advance the Negotiation of the Peace; M. *Kinski* took out a Paper, which we have just

Time

me enough to get a Copy of, to go herewith inclosed. M. *Kinski* having read the Preface in it, and what relates to the Emperor and *Spain*, M. *Heugh* went on, and read the Paragraph that concerned *Denmark*, then M. *Kinski* went through with the rest. Their Desire to us was, that we would not take it *pour un Ecrit formel*, but that for better Certainty we would order a Secretary of our own, to take it from theirs by Way of *Dictate*, and then that we should do our Offices upon it to the Parties. M. *Beverning* gave us a Hint last Night, he should be with us upon such Office in the Name of the Allies; but that his Name, nor the Concerns of his Masters, would not be in; for that their Affairs were nearer a good Understanding than those of the rest of the Allies. We are, &c.

L. Hyde.  
L. Jenkins.

Nimeguen, 27th Sept. 1677.

Right Honourable SIR,

OUR last was of the 24th, since which we have none of yours to acknowledge.

ON Tuesday M. *Beverning* sent us a Memorial, wherein he sets forth, how the States had constantly taken Care, that all *French* Prisoners taken at Sea had been set at Liberty as soon as they were brought into any Port; how he had formerly desired the Mediators to endeavour to draw some Light from the *French* Ambassadors, what the Most Christian King would think fit to do in the like Cases, how the *French* Ambassadors had given Hopes the States might expect the like Treatment, and had desired a Copy of the Memorial at that Time presented by the *Dutch* Ambassadors, and had promised to write of it to their Court. But now again, upon Occasion of some *Dutch* Prisoners, lately taken at Sea, coming from *Surinam*, and carried into *Rochel*, he, M. *Beverning*, desired us to represent it to the *French* Ambassadors, that they might come to a Regulation of this Matter in general for the future, and that the Men now carried into *Rochel* might be set at Liberty; the Copy of the Paper sent us by M. *Beverning* goes herewith inclosed.

THE *French* Ambassadors answered us, that they would write of it to their Court, and that they believed this Particular would be redressed before their Letters could arrive, it being the Intention of the King their Master, that such as are actually taken at Sea be not detained Prisoners, the Captains and Lieutenants of Corfairs only excepted.

YESTERDAY we proceeded in doing our Offices with the *Imperialists*, concerning the Memorial left with us by the *Sweedes* Ambassadors, of which we begun to give you an Account in our last, to wit, that we had been with M. *Beverning* about it.

THE *Imperialists* disputed the Matter very much, and said, that it was but equal Treatment with that the *Spaniards* received from the *French*, and that the Liberty the *Spaniards* had of sending their Letters once in 15 Days through *France*, was upon the Account of a former Agreement between the Post-Masters, and no new Liberty granted for this Treaty, and therefore not to be urged for an Argument, that therefore the *Danes* should allow such a Passage to the *Sweedes*; and at last the Bishop of *Gurck* very roundly told us, that the only Way to gain any Thing in this Matter was, for us on our Sides, and the *Sweedes* on

on theirs, to press the *French* to give such a Liberty to the *Spaniards* for their Couriers, as had been granted in all other Treaties, and particularly instanced in that of *Munster*, which he said was unlimited; they concluded however at last, that they would not fail to represent to M. *Heugh*, what we had offered to them in this Business, and desired we would do our Offices in the like Manner with the other Allies.

AFTER this, we took Occasion to press them concerning the Admission of the Envoy of the Bishop of *Strasburgh*, and the receiving of his *Plenipouvoir*; they told us, that in very few Days they would return us an Answer to this Particular, and that they hoped they should make it appear to us, they were not in the wrong towards the Bishop of *Strasburgh*.

WE sent you a Paper in our last, that Messieurs *Kinski*, *Heugh*, and *Beverning*, had delivered to us by Way of Dictate, to be by us in like Manner delivered to the *French* Ambassadors; we took Exceptions at the Clause *contre toute droit* in it, out of Apprehension that it might lead to Sharpnesses, and some other Words of Exaggerations, which we thought might have been better spared; they could not give Way, they said, to the leaving them out, without reporting them to the Body of the Allies, which they promised they would do, and give us an Account of their Opinion.

LAST Night late, the same Ambassadors came again to us, and declared themselves willing to leave out that one Clause; for the other Words, we saw they made a Difficulty, and we did not stand upon them, hoping they may pass without Offence.

SINCE we writ thus far, we have the Favour of yours of the 21<sup>st</sup> to acknowledge; what you are pleased to recommend in it touching the Treaties between *France* and *Sweden*, the new Toll of *Gluckstadt*, and the Passage of Letters by the *Amsterdam* Bag, we will make what Enquiry we can, and send you an Account of what we can learn.

WE were this Morning with the *Spanish* Ambassadors, as we had been before with the *Imperialists*, to desire their Offices with their Ally the *Dane*, to give the easiness that is desired to the Passage of the *Swedish* Letters; the Sum of their Answer was, that tho' they had Cause to complain of *France* in that Particular, yet they would rather help, than make the Matter more difficult. We remain always, &c.

L. Hyde.

L. Jenkins.

Nimeguen, 1<sup>st</sup> Octob. 1677.

Right Honourable SIR,

OUR last was of the 27<sup>th</sup> past, since which we have not the Favour of any from you to acknowledge.

IN that Dispatch, we gave you an Account, how that we had taken Exceptions to several Expressions in a *Dictatum* that we had sent you the Post before, being delivered us by Messieurs *Kinski*, *Heugh*, and *Beverning*, as Deputies from the Body of the Allies; that we had got them to leave out the Clause *contre tout droit*, but the other Words they would not part with.

Now we can give you an Account of that whole Proceeding, more fully than we could by our last, there having several Things not unworthy your Knowledge, as we conceive, pass'd in this Affair. The

Words

Words *contre tout droit*, we took Exceptions to; upon M. *Kinski's* first reading the *Dictatum* to us; which was this Day sevensnight; we alledged for our so doing; the strict Orders we had from his Majesty, to watch that nothing should escape us in any Writings between the Parties that might lead to Sharpnesses, as that Expression, we feared, would do.

M. *Beverning* hereupon not disliking the Motion, told us, that we should do best to take the whole *Dictatum*, and consider if there were any more Expressions leading that Way, the other two agreeing to it; we thanked them for the Liberty they gave us, and we parted for that Time.

ON *Wednesday* we took an Hour of the Deputies abovenamed, but M. *Beverning* came not. We laid before them several other Exceptions that we took to be material: We do not charge this Letter with those Exceptions, nor our Reasons, but we send you the *Dictatum* of the Allies once more, with the Words we excepted against stroked under, with a Hint of our Reasons in the Margin.

ON *Wednesday* at Night, the Allies met upon these Exceptions, and the same Deputation came from them to us, to tell us, that they thanked us for our Reflexions, but could not consent to any Change, it being now too late to do it; for that the several Parties had taken Copies of the *Dictatum*, as it was first drawn up and agreed to between them, and having sent it to their several Courts, could not now depart from any Words in it.

WE told them how precise his Majesty's Instructions were to us, to use all Means to avoid Sharpnesses; and further, that the Liberty we had taken, had been granted us by themselves: Besides, we observed to them, that we were founded in that Liberty from a general Agreement of all Parties in this Assembly about eight Months ago: It being then agreed, 1. That the putting of Things into Writing should be avoided as much as could be, and that the Treaties should be carried on, the Mediators applying themselves by Word of Mouth to the Parties. 2. That since there might be Occasions, wherein the Parties should think fit and necessary to draw up Writings in Form, and to have them delivered in their own Words to the Parties, that that might likewise be done. 3. That in Matters of Moment, wherein the Change of a Word might alter the Sense, or weaken the Reasoning, to the Prejudice of the Party propounding, the Mediators might take the essential Words in Writing; but that the putting of them into Form and Argumentation, should be left to themselves.

THAT this being agreed between all Parties, it was hard to put us to alter it, and to impose upon us the *Dictatum* of Words, that were acknowledged of all Hands not to be essential; whereas we ought to be left to our Liberty, whenever we dictate any Thing, to use our own Words, provided we take not from the Sense proposed by the Parties.

So this the Deputies had not much to oppose, but told us, they would quit the Words *contre tout droit*, if the *Spaniards* would do it; but that must be their Act, in Regard they had inserted it in the Paragraph that concerned them.

M. *Beverning* was present at this Conversation, but said little; on *Friday* he called upon us, and told us, among other Things, he so far disliked his Errand upon the last Deputation, that he would never be brought to go upon the like again; that he had set down our Reasons in his Journal, with his Remarks, that others may see how unreasonably we are opposed.

ON *Thursday*, having an Audience with the *Spaniards* about the *Swedish* Letters, we moved them (the Allies having referred us to them) to leave out the Words *contre tout droit* in the *Dictatum*, but they were so difficult, that tho' we told them the Deputies of the Allies had not only declared their Readiness to quit that Clause, but charged themselves to dispose the *Spaniards* to do the same, yet they would not resolve to declare themselves, till they had first spoken with the Allies; and at six a Clock on *Thursday*, after the Post was gone, they brought us Word, which the Allies had given us Assurance of before, that they left the Clause *contre tout droit* to our Discretion.

WE find that this very *Dictatum* was carried to the Nuncio, to do his Offices upon it; that he reformed it, as you will see by the Copy that goes herewith inclosed, wherein not one of the Words or Clauses that we had taken Exceptions to, but were left out; and further, as we found by the *French* Ambassadors, that he was left at perfect Liberty to change what he should think fit in the Writing, nay, to do his Offices without delivering of any Writing at all.

WE take Leave to tell you this long Story, and withal to observe unto you, that this Writing could be put into the Nuncio's Hands by no other but by the *Imperialists*, *Spaniards*, and *Lorainer*; and consequently, that this Liberty to the Nuncio was given by some or all of them: That we had taken no Exceptions to the Clauses that related to the *Dane* or *Brandenburghers*, by which you will be able to see, by whom these Difficulties have been put upon us.

ON *Saturday* the *Swedish* Ambassador was with us, to tell us, that having conferr'd with M. *Beverning*, he was willing (for the Passage of his Weekly Dispatches) to admit of this Expedient, *viz.* That his Letters and his Collegues should be taken up at *Amsterdam*, and go along with the ordinary Mail that goes from this Country (as often as it goes) through *Denmark* for *Sweden*, provided they may be sealed up in one Bag with Two Seals, at the *Comptoir* in *Amsterdam*; the one Seal to be an authentick one of that Town, the other of a Commissary, that shall reside there for that and other Affairs of *Sweden*; that the Letters so sealed up should pass all Places in *Denmark* untouch'd, and be delivered to the *Swedish* Commandant that shall be at *Elfenbourg*, or else at *Helmestadt*, as shall be agreed: That the Letters coming from *Sweden* shall be sealed up likewise at *Elfenbourg*, or *Helmestadt*, under the Seal of the Commandant in the Place, and under the Seal of such a Commissary, as shall be there in the Behalf of these States: That the *Swedish* Pacquet so sealed, shall pass untouch'd through *Denmark*, and shall be delivered safe to the *Swedish* Commissary in the *Comptoir* of *Amsterdam*: That the free undisturbed Passage of Letters, according to this Expedient, shall be warranted by the Stipulation of all the Confederates here, and that the Pacquets to or from the Ambassadors shall not be stoppt upon any Pretence whatsoever, but the Post-masters to forward them after the usual Manner, tho' the Mail of *Amsterdam*, for other Letters coming from, or going towards *Sweden*, should be stoppt, upon any Occasion whatsoever. And this Expedient M. *Oxenstierna* is content to stand by, until he know the Pleasure of his King, whether he will give into it and ratifie it or not.

M. *Spanheim* acquainted us yesterday, that the Difference between his Highness the Prince Elector *Palatine*, and the *Imperialists*, was now so far accommodated, that he expected their Offices would be suddenly made towards us, and his Pretensions put by the *Imperialists* into our Hands; he left a Copy with us of the Letter that his Electoral High-

ness had writ to them, the *Imperialists*, upon this Subject, which goes herewith inclosed. He desired our best Offices, when it should come to our Turn to appear in his Master's Business; telling us, that his Majesty had vouchsafed, when he, M. *Spanheim*, was last in *England*, to promise all Assistance to his Electoral Highness in this Place; in which we desire to receive your Directions, as we happen to see further into the Nature of his Business. He told us, the Emperor had very lately notified the Elector, of a League he was entred into with the Elector of *Mentz*: His Electoral Highness has (it seems) a special Concern, that that League be not to his Prejudice, in Respect of several Rights and Controversies that he hath depending with the Electors of that See successively; therefore that this Answer was Matter of Civility only to the Emperor's Letter, reserving himself till he should be informed of the Contents of the League. We remain ever, &c.

L. Hyde.

L. Jenkins.

*Nimeguen, 4th Octob. 1677.*

Right Honourable SIR,

SINCE our last, we have the Favour of yours of the 25th and 28th of the last to acknowledge.

As to the Passage for *Holland* Letters to and from *Sweden* through *Denmark*, we sent you in our last a Proposition from M. *Oxenstiern*; upon this Occasion of the *Swedes*, we are put in Mind to give you an Account, that having made Enquiry about the Treaties made between the *French* and them, and especially of the last, in order to have sent you Copies of them, we are informed by M. *Beverning*, there is no such latter Treaty made, and that the *Swedes* are wavering and doubtful; and there are some Propositions depending for their coming over to the Confederates, tho' the *French* offer to double their Subsidy, and to see them restored to all they have lost; this he said in Confidence; a Copy of the Treaty made by Baron *Sparr* we are laying out for, but cannot promise any Thing in M. *d'Olivenkrantz* his Absence.

ABOUT the *Gluckstadt* Toll, we have not been able to do any Thing, M. *Beverning*, by whose Means we thought we should be enabled to give you an Account of it, having been for 3 or 4 Days out of Town with the Prince of *Orange*.

WE stick to the Resolution you are pleased to approve of, in not admitting any Expedient about Count *Antoine's* Notifications.

ON *Thursday* last, we received a Paper from the *Imperial* Ambassadors, which we had not then Time so much as to send you a Copy of, and since that, because it had not yet taken its Course, we omitted it likewise in our last Dispatch; we must therefore return so far back, that you may have that whole Matter before you.

THE Copy of it goes herewith inclosed, and contains the Reasons of the said Ambassadors, against admitting the Minister of the Bishop of *Strasburgh* to treat here; because the Cognisance of the said Bishop's Cause belongs only to the Emperor and Empire, and that it can only there be tried *tanquam in foro competente*, as you will see more at large in the said Writing. The *Imperial* Ambassadors having thus opened it to us, they said, they would leave it with us by Way of *Dictate*, and so, without reading it, left a Secretary of theirs to dictate

it to one of ours, and desired we would in like Manner communicate it to the *French*.

ON *Saturday*, we were with the *French* Ambassadors, about the *Dictatum*, containing the Propositions of all the Allies, (of which we gave you an Account in our last) and made the Communication of it in the Manner the Allies had desired; the Answer they made upon it was no more, but that they would take Time to consider of it with their Allies.

IN this Conversation, we acquainted them, how we were charg'd with another Writing, which was that abovementioned, and now enclosed, against admitting of the Bishop of *Strasburgh* or his Minister here, which the *Imperial* Ambassadors have put into our Hands, to be communicated by dictating in the usual Manner. They told us, they had received already a Memorial to the same Effect from the Nuncio; but that in Regard it appear'd plainly to them, there was a Design in it *de donner une Atteinte à la Mediation du Roy de la Grande Bretagne*, and that there might be not improbably some little Contrivance between the *Imperialists* and the Nuncio, to carry on this *Atteinte*, (it was the Word they used all along) they were resolved to carry back (as they did) that Memorial to the Nuncio, and to tell him, not only that they could not receive any such Memorial, because of the *Atteinte* that seem'd to be intended by it to his Majesty's Mediation, but also to let the Nuncio know, that what *Atteinte* soever should be given to the King's Mediation, the Pope's would not be long without receiving the same Measure. The Nuncio was, upon their going to him, (as they told us afterwards) perswaded to take this Memorial, concerning the Bishop of *Strasburgh*, back again; but upon second Thoughts, he sent for the Bishop's Minister, M. *Ducker*, and gave him the Memorial to carry back again to the *French* Ambassadors, which he did; but they immediately sent for the Nuncio's Auditor, and complaining of the Surprize upon M. *Ducker*, obliged him to take the Memorial back again.

THE *French* having thus acquainted us with what had passed, desired to be excused from receiving the Paper from us, and that we would have Patience for their further Answer, till they should speak again with us.

ON *Sunday* they were with us, and shewed us the Answer they had given to the Nuncio, and desired that the Answer we should give, might be to the same Effect. The Answer they had given to the Nuncio, they read to us out of their Notes; it was the same to us; that we should tell the *Imperialists*, that as we were opening the Contents of the Dictate to them, the *French*, we found them very fully informed of it, and excused themselves from entring further into it; that all they could do was, to repeat their Declarations heretofore made, that the Bishop of *Strasburgh* is an Ally of *France*, and that they do now make a new Instance, to have his Minister acknowledged in the Quality of an *Envoyé* of a Prince allied with the Most Christian King; that in Regard they hope the *Imperial* Ambassadors will comply with this Instance of theirs, they, to the End the sincere Intentions of his Most Christian Majesty for the Advancement of the Peace, may the better appear, do deposite in our Hands the Proposition of the Bishop of *Strasburgh*, to the End it may be consigned to the *Imperial* Ambassadors, as soon as the *Plenipouvoir* of the Minister of the Bishop shall be accepted, and not before, nor upon any other Terms; the Proposition it self, we take leave here to enclose. And they further gave us to understand, that



that all the Time that that Minister shall not be acknowledged in that quality, nor his *Plenipouvoir* admitted, they, the *French* Ambassadors, be not able to answer, or to make any Advances in the Proposition of *Lorain*; and that for that Reason, they desire to be excused from entering into any Consideration of the *Dictatum* that the *Imperialists* have put into our Hands against the Bishop's appearing here.

THE *Atteinte* that they conceive to be intended to his Majesty's Mediation lay in this: There is a Paragraph in the *Dictatum*, and they observed to us, there was the very same Word for Word in the Nuncio's Memorial; That the *French* Ambassadors had declared, in the Presence of my Lord *Berkley*, and me Sir *L. Jenkins*, that the Bishop of *Strasburgh* was no Ally of *France*, and that there was no Treaty between him and *France*, and that the Lord *Berkley* and I had reported this Declaration to the Ambassadors of *Denmark* and the States General upon the 11<sup>th</sup> of *January* last, which is so far, to the best of my Remembrance, from being so, that after all the Search I have been able to make, I cannot find any such Thing; but, on the contrary, that my Lord and I were charged by the *French* Ambassadors, to give it for one of the three Reasons, why they would not admit the Clause *qui sont contre nous en guerre*, (for a Limitation to the Word *Alliez*) in the common Form of *Plenipouvoirs*; that if those Words were admitted; then the Bishop of *Strasburgh* would be excluded from entering into this Treaty. And tho' it be thus unlikely, that my Lord *Berkley* and I ever said any such Thing from the *French* Ambassadors, yet M. *Kinski* says, he took Attestations about that Time from Messieurs *Heugh*, *Beverning*, and *Van Haren*, that we had reported to them a Declaration of the *French* to that Effect.

M. *Beverning* hath confessed there was some such Attestation given; in the Month of *January*, for the Satisfaction of M. *Kinski*, who would not have consented to the passing of that common Form; but that he was satisfied, by Means of that Attestation, that the Bishop of *Strasburgh* was no Ally, and consequently could not come into this Treaty, tho' the Word *Alliez* should be in the *Plenipouvoir*, and the Clause *qui sont contre nous en guerre* had been left out.

M. *Heugh* was desired to furnish an Attestation too, as he hath lately told us; but that which he sent M. *Kinski* being not full to his Mind, it being sent him back again to be drawn up more fully, it remained in his Hands, and so there is no written Attestation of M. *Heugh's* in the Case, nor have we seen M. *Beverning's*.

Now that which the *Imperialists* drive at is, to press our Offices upon this *Dictatum*; and to have me, Sir *L. Jenkins*, Party to the dictating of it; which if I do refuse, as they know I must, having told them not only that I remembred no such Thing, but that my Notes do imply the contrary very strongly, they will have a Pretext to complain, that I refused to bear witness to a Declaration, which three Ambassadors do attest that my Lord *Berkley* and I had reported to them. What the Attestation in Writing is, I cannot tell, nor what M. *Van Haren* (who is out of Town) can say in the Business, but M. *Heugh* and M. *Beverning* do both say, that what was said in that Case, was, to the best of their Remembrance, said by my Lord *Berkley*.

HOWEVER, the *Atteinte*, as the *French* Ambassadors call it, is visible enough; and the rather, in that tho' I were able to testify, that the *French* had made this Declaration in *January*, yet such a Testimony would not be to much Effect, since they have, upon several Occasions since that Time, declared the Bishop to be an Ally of *France*, and do



declare him so still, and pretend that it is in their Power to receive whom they please into their Alliance, and when they are received, to bring them into this Treaty, in Virtue of the common Form of *Pleinpouvoirs*, which run not only to treat with each Principal, but his Allies.

ON *Monday*, we were with the *Imperial* Ambassadors, to give them the Answer we had received from the *French* to their *Dictatum*, concerning the Bishop of *Strasburgh*: They seemed at first to wonder, how the *French* were so well informed of the Contents of their Writing; to which we said, that they seemed to us to be very sufficiently informed, and that we thought it was by an authentick Way: They replied, that they hoped however, so much Civility might be used to them, as to have their Reasons heard, which perhaps might give good Satisfaction to the *French*, why the Bishop of *Strasburgh's* Minister could not be acknowledged here, or would at least deserve an Answer; they desired us therefore very earnestly, to repeat our Offices that they might be received: We took no notice to them of the Nuncio, nor of what the *French* had told us had passed between them and him: We therefore only replied, that we should not fail to do as they desired, in repeating our Offices, but that we must beg leave to take notice to them, of some Things we had observed in that Dictate, which they having neither deliver'd us by Reading, nor touched in the opening of it, we could not then reflect upon; and which, if the *French* would have received it, we could not have dictated to them: The one was, this Clause, *Turpitudinem propriam arguat*, which you will find scored under in the Copy we send you of this *Dictatum*; we told them, we had very positive Commands from his Majesty, to be very watchful not to hand any such Expressions between the Parties, and desired we might be at Liberty to dictate some other Word of equal Force to all Purposes, but not of so harsh a Signification.

AFTER some Arguments on their Side, how it was an Expression from a Sovereign to a Vassal; how that very often Expressions of a rougher Signification were used from the Emperor, to those that failed in their Duty to him; especially in the Avacatories of the Empire: They added at last, that they were beholding to us for our Care, to prevent such Expressions as might tend to Sharpness, but that they thought it was principally to be observed between such as were Parties treating; that it should be a Caution to them for the future, in any Thing they should have to transact with other Parties here; but that being a particular Case, in a Matter within the Empire, and with such a one; as they would never admit to bring his Cause to be treated here; and besides, having sent a Copy of it to the Emperor, as they had delivered it to us, they could not allow of any Alteration in it, we representing still to them, that we had positive Orders from the King, to avoid all such Expressions, and offered to do our Offices in the Business itself, leaving out that Clause.

AFTER this, we objected against the Clause relating to my Lord *Berkley*, and me *Sir Leoline Jenkins*, and desired their Advice how we should behave ourselves, if the *French* should deny the Thing, and appeal at the Time of our dictating to me *Sir Leoline Jenkins* about it, whether I had ever said, that they had agreed as is alledg'd; and because I could very truly say, that I did not at all remember that they had ever said so, and that all the Probability of the contrary appeared; we therefore desired we might not be requested to dictate this Clause.

To all this the *Imperialists* told us, there was the Attestation of Messieurs *Heugh*, *Beverning*, and *Haren*, that what was alledged in their Paper had been said; and if I, Sir *Leoline Jenkins*, insisted, that I had no Remembrance of it, they gave entire Credit to it; but it was possible, they said, I might not set down in my Notes all the Particulars of that Day's Debate; nor, on the other Side, was it likely that three Ambassadors could conspire to enter all of them the same Thing into their Books, if it had not been said: I, Sir *L. Jenkins*, desired, as a Means to refresh my Memory, to have a Sight of the said Attestations, that I might see in what Manner, and to what Degree, they did attest it; and besides that, since my Lord *Berkley* had his Share in the Thing, that it was but reasonable to write to his Lordship about it, to see whether he remembered any Thing of it; and that till then, it was not proper, as we thought, to dictate this Clause to the *French* Ambassadors.

THE *Imperialists* replied, that one of those Ambassadors that had signed that Attestation was out of Town, and that it could not be shewed without the Consent of all the Parties: Besides that, it was a Thing among themselves, and desired to be excused from letting us see it; that for writing to my Lord *Berkley*, it might be done if we pleased; but they saw not to what great Use, since all that could be said was, that he neither had no Remembrance of it, which they would very readily believe, but that the positive Assertion of three Ambassadors was likewise to have its Credit; and therefore desired, that we would dictate that very Clause.

At last we concluded with telling them, that we must be excused in these two Particulars, *viz. Turpitudinem propriam*, and this Attestation; and that we would do our Offices, as the Duty of Mediators did require, to the best of our Understanding, and so we parted.

UPON the whole Matter, we desire to lay before you, that we find it, by every Day's Experience, more and more necessary to rescue our selves, if we can, from this Obligation of using the Words of other Persons, in Things that we ourselves are to dictate; and we have before us the Example of the Nuncio, whom the *Imperialists* did not oblige to use the Word *Turpitudinem* in the same Paper, as you may see in the Copy we here send you of it; nor so much as tie him to any Words, but left him at Liberty to dictate, or not to dictate; so he acquainted them with the Sense of it; and in another Paper Messieurs *Colbert* and *d'Avaux* shewed us, the Answer they had prepared for the Nuncio to carry to the *Imperialists*; we saw some Expressions in it marked by the Nuncio, and required to be moderated, as Words not becoming the Office of a Mediator to carry between the Parties; and which accordingly the *French* Ambassadors parted with, as they did upon another Occasion with the Word *Protesting* upon our Representation.

YOU will see, SIR, by our being confined to the Words of one Memorial, which we received from the Body of the Allies, and by our being required to dictate a Clause in this other, to the contrary whereof we must bear Witness, if we say any Thing, how apparent their Designs are to find some Fault with us, to come to a Breach with his Majesty's Mediation; and you will also judge, as we suppose, that it is greatly inconvenient, as well as unfair, to have Reports fastened upon the Mediators, by the Attestations of Parties interested, and for Things to lie in deck for eight Months together, and the Mediators not so much as ask'd the Question, either by the Parties attesting, or the Parties in Favour of whom they do attest.

## 224 *Letters from the Embassy at Nimeguen.*

WE fend you here inclosed a Paper delivered us by the Duke of *Holstein's* Minister, containing his Reasons why his Master's Affairs ought to be Treated here, and by the Assistance of the King's Mediation; And that it cannot be made a Domestick Affair, as the King of *Denmark* pretends: He tells us likewise of a *Plenipouvoir* he expects within few Days, and desires his Majesty may be acquainted with the Duke his Master's Intention, to appear publickly as a Party in this Treaty; and therefore desires his Majesty's Authority for his Admission. We remain always, &c.

*L. Hyde.*  
*L. Jenkins.*

*Nimeguen, 8th Octob. 1677.*

*Right Honourable SIR,*

OUR last was of the 4<sup>th</sup>, since which we have not the Favour of any from you to acknowledge.

WE are in some Hopes, from what *M. Heugh* and *M. Petcum* have let fall in Conversations, that they will enter into a Treaty here with the *Sweedes*, for the Passage of their Letters and Couriers: We find they have a *Reciproque* to demand, for the Passage of *Denmark*-Letters and Couriers into *Norway*; but that they would not willingly let this Treaty on Foot till Count *Antoine's* Visits of Ceremony are over.

FOR that End, they are inquisitive to know, whether we have any Resolution of his Majesty come to us, upon the Expedient that *M. Colbert* propos'd: But we find, that *M. Heugh* and *M. Colbert* do not fully understand one another about that Expedient; for *M. Heugh* seems to think, that if it be accepted, Count *Antoine* is to visit us without *Parade*, (upon Pretence that we visit not *en Parade*) but *M. Colbert* understands, he is to visit us with the same *Parade* and Equipage as he will visit other Ambassadors, when he returns them the Visit of Ceremony.

MESSIEURS *Colbert* and *d' Avaux* tell us, the King their Master approves of the Expedient, but orders them, that unless Right be done to his Majesty's Mediation, they, the *French*, are not to enter into any Visits of Ceremony with Count *Antoine*.

*M. d' Estrades* further tells us, that having put the Question to their Court, they have a Resolution how to govern themselves in certain Circumstances, as long as Count *Antoine* continues in the Figure he is now in: It is, that they are not to decline conversing with him in the same civil Manner they do with other Ambassadors, when they happen to meet him in the Evening Assemblies, that are here frequent among the Ladies; and even when those Assemblies happen to be at their own Houses, they are to receive him, if he come at them, as they do other Ambassadors that come to those Divertisements.

BEING upon this Discourse, we asked what were adviseable for us to do, in case that having taken an Audience of *M. Heugh*, upon any Matter of Business, we should find Count *Antoine* present, and joining with his Collegue, whether we should proceed to the Business, or else forbear? It was absolutely *M. d' Estrades* Opinion, we should pass the Time in Civilities, and not touch upon any Business at all. We lay these Things before you, because 'tis possible such an Accident may befall us, and we should be glad to have your Directions, if they can come Time enough.

IN our last, we gave you a minute Account how the *Imperialists* had put a Paper into our Hands, against the Bishop of *Strasburgh's* appearing here by his Minister as a Party; how the *French* Ambassadors had excused themselves from receiving it, or entring into Business upon it; together with the Answer they gave us to return to the *Imperialists*, touching that whole Matter. We told you likewise, how the *Imperialists* (upon receiving the Answer that the *French* had given us) had pressed us to repeat our Offices with the *French*, so as to have their Reasons at leastwise heard; and how that we promised to do it, but desired to be excused in two Particulars; the one was, from using the Words *Turpitudinem propriam*; the other was, that I, Sir *L. Jenkins*, should not be pressed to support a Matter of Fact which I remembered nothing of.

ON *Saturday* we were in the Forenoon to repeat these Offices with the *French* Ambassadors, and laid before them the Reasons of the *Imperialists* against the Bishop of *Strasburgh*: They having heard us out, observed to us, that the Nuncio, who was at first charged with the same Commission that we were, had not yet repeated his Offices towards them; they desired therefore (in Regard they were concerned the Answer they should give the Nuncio, in case he should come to pass the same Office with them as we did, should not be different from the Answer they should give us) that they might have Time to consider till the Afternoon, designing in the mean while to learn from the Auditor, if the Nuncio was engaged to press them a second Time, as we were.

THIS being over, we laid before them some Remarks we thought we were lead to make upon M. *Ducker's* Memorial, which they had put into our Hands, and we sent you by the last: As, *first*, That he revived the Question about *Rbineberg*, and other Places detained by the United Provinces, which is no Part of his Business. *2 dly*, That he made a Deduction, how M. *de Strasburgh* had been forced to fly into *France*, &c. there being no Precedents among us here of any Deduction, all Parties having contented themselves to wave all Occasions that lead into the War, and to make their first Propositions and Demands simply and plainly, and in much fewer Words. *3 dly*, That the Sequestration of the Bishop's Nephew, who is lately married in *France*, is put into the Memorial; yet he is not so much as pretended to be an Ally of *France*, as his Uncle is; and if he be not, the *Imperialists* will not think themselves obliged to answer here upon this Affair. *4 thly*, That Prince *William's* Liberty and entire Restitution, is demanded in this first Proposition: If he means this is to have its Effect when the Peace is made, the Emperor and the Allies have already promised that shall not break Squares, and consequently, that Demand is not now needful; if it be meant before, that Temperament of having the Prince sequestred into a third Hand, will be out of Doors, which hath been so long his Majesty's Business. These Things we took Leave to observe to them, as most obvious in the Proposition, besides other Exaggerations; which put together, would probably put the Allies all into a Flame, and do the Bishop no good.

THE *French* Ambassadors allowed of this Liberty we took, and the Conversation was closed with their telling us, that when M. *Ducker's* Proposition was in a Way to be received, (as now it is not) they would review it, and endeavour to model it as may be most for avoiding Clamours.

IN the Afternoon, the *French* Ambassadors came and told us, they found by the Auditor, the Nuncio was not under any Engagement to

## 226 *Letters from the Embassy at Nimeguen.*

repeat his Offices, as we were, upon the *Imperialists* Paper against the Bishop of *Strasburgh*: That he being not charged with their Paper, in order to deliver it to the *French* Ambassadors, but only having had it given him for the Help of his Memory, he had returned the *Imperialists* that Answer the *French* had given him, and did not expect to hear any more of it.

AFTER this, they told us, they thought it not safe for them to bear the Lavvy of refusing to hear Reason; and therefore were ready to receive those Reasons we had to lay before them from the *Imperialists*, whether by Word of Mouth, or by Dictate; recommending to us not to use any Expressions (such as they knew to be in the Reasons we were charged with) tending to Sharpnesses, telling us plainly, that if we did, their Return would be in the same Language, with Over-Measure: They told us likewise, if we inforced to them that Matter of Fact that was controverted, they must appeal to our *Protocols*, and to what I Sir *J. Jenkins* could testify, in Order to throw off that Declaration of M. de *Strasburgh's* being no Ally, which the *Imperialists* would fasten upon them.

IT was their Desire rather to receive these Reasons by Word of Mouth, than in Writing; and they having enlarged by Way of Discourse, telling us what might very well be replied to the several Reasons in the *Imperialists* Paper against M. de *Strasburgh*, they told us, their Answer for the present would be, that it being an Affair that required a more exact Discussion than ordinary, they would take further Time to answer, and would bring us a Reply upon the Particulars.

YESTERDAY we gave the *Imperialists* an Account of the Success that the Instance we had made and repeated at their Desire, had had; telling them how fair a Hearing the *French* had at last given us; how they had cautioned us not to touch upon harsh Terms, or such Matters of Fact as they must contest; and how they had promised us an Answer upon the particular Reasons of the Paper.

THAT which the *Imperialists* replied, was no more, but to desire our Offices still in disposing the *French* to give them an Answer, and such a one as may be tending to the Peace. This passed over thus, without taking any Account of us, whether we had dictated their Paper or not; which (tho' they should have pressed us in) we should not have framed ourselves to do, in Regard of the Words *Turpitudinem propriam*, and in Regard of the Fact that the Mediation (tho' it knows nothing of it) is made to bear Witness to, without first receiving your Directions upon it.

WE told you in our last, that the *French* Ambassadors had given us to understand, upon our first Instance about this Paper, *That all the while the Bishop of Strasburgh's Minister should not be acknowledged in that Quality, they, the French, would not be able to answer, or to make any Advances in the Proposition of Lorain*: — This they desired us to deliver as Part of their Answer to the *Imperialists*.

THIS we did, and we are sure, that having concerted before in Writing what was to be said, and having reflected upon what was said as soon as the Thing was spoken, it was spoke no otherwise: But we had the Misfortune to be so misunderstood by the *Imperialists*, that they giving an Account in the Assembly of the Allies of our Offices, reported that they, the *French*, had declared by us, that till the Bishop of *Strasburgh's* Minister were satisfied, they would make no Advances in the General Peace.

M. Heugh

M. *Heugh* having done us the Favour to inform us of this, we thought it best to come to an *Eclaircissement* with the *Imperialists* in yesterday's Conversation: We told them plainly, the *French* had limited their Refusal to treat to the Business of *Lorain* only, and not extended it to the Affairs of the Alliance in general. They told us, they had apprehended it to the contrary, and owned to have reported it in the Assembly: We replied to them, that we could not possibly have said so, and produced the very Paper we had concerted (upon our Return from the *French*) for the Help of our Memory.

We have been with most of the Allies since, to rectify this Misreport; and being with M. *Beverning*, we found by him, that he had told them at that Time, it was improbable that we should have reported the Refusal so general; that he was sure the *French* would treat with him, notwithstanding the Bishop of *Strasburgh's* *Accroachment*; and that the Return the Nuncio made upon the same Office, being limited to the *Lorain* Affairs, ours must be the same: He did allow of what we told him of the usual Stile here, that they should, after they had heard our Message, have repeated it, to see whether they had comprehended us rightly or not; and then we should have either rectified their Mistake, or else the Thing would have lain at our Door. But it was his Observation, that they have no Mind to a Peace, as they apprehend it like to be made, and therefore that they do *chercher noise*; and 'tis for this Reason we take Leave to lay before you these little Passages.

THIS Morning, having Occasion to speak with M. *Somnitz*, (M. *Blaspiegel* being out of Town) in Order to remove any Prejudice, thro' the Mistake which the *Imperialists* had made, in misreporting the Message we had brought them from the *French*, he let himself into a Discourse of the Voyage of his Highness the Prince of *Orange* into *England*; and thereupon made it his solemn Request to us, to recommend the Affairs of the Elector his Master to his Majesty's Protection, so that they may stand fair in his Majesty's Eye, and become Part of his Care in this great Conjunction. He hopes the Elector's Demands will appear to his Majesty to be moderate, and so well founded, that he will judge them to deserve his Support. This we could not refuse to mention, and leave with you.

M. *d'Eftrades* coming now Abroad, after some Indisposition that had confined him for some Weeks to his Chamber, was to see us severally this Morning in Complement: He held the same Discourse to us both, as we find by comparing it. It was, that he had great Hopes a General Peace would be the Issue of his Highness the Prince of *Orange's* Voyage into *England*; that he hoped his Majesty would make him sensible, how far 'tis against his Interest to continue longer in this War; that his Majesty may settle the Peace with the Liberty of an Arbitrator; that tho' the Most Christian King makes a Difficulty to yield this or that Point in this Place, it seeming a Kind of Violence to him to yield when he is pressed in an open Treaty; yet *si le Roy de la Grande Bretagne dit, il faut cela pour avoir la Paix, il s'y accommodera & se rendra à son Sentiment*: — That if they have *Cambray*, *Aire*, and *St. Omer*, (that kept them in Alarm to the Walls of *Paris*, and *Burgundy*, which did the same on the other Side) joined to their Frontiers, *pour le reste une Ville ou deux plus ou moins ne seroit pas une affaire*: That tho' they may promise themselves further Conquests as Things

stand, yet they would rather close with the present Conjuncture, to get what they intend finally to insist upon, settled by a Peace. We remain always, &c.

*L. Hyde.*  
*L. Jenkins.*

*Nimeguen, 11th Octob. 1677.*

*Right Honourable SIR,*

SINCE our last, which was of the 8<sup>th</sup>, we have not the Favour of any of yours to acknowledge; nor have we any Thing to acquaint you with at this Time, save that yesterday *M. Colbert* told us, in an ordinary Visit, that the Nuncio's Auditor had been on Monday with *M. d' Avaux*; and had, as from himself, asked him, whether they, the *French* Ambassadors, would be disposed to receive Propositions from the *Spaniards*, in Order to the Peace, if any should be made to them; that if they would, perhaps the Nuncio would in a few Days have Commission to make some to them; or it may be, might offer them of his own. That *M. d' Avaux* had not given the Auditor any direct Answer; and since that, they had heard no more of the Nuncio. But *M. Colbert* said, he could not omit making us acquainted with this Particular, in Pursuance of the Confidence he hath hitherto used with us.

He said, it might perhaps fall out, that at the same Time the *Spaniards* might think of making some such Overture by us, and then this Discourse would prepare us for it; and if they did not, that we might have Time to consider with ourselves, whether, if they came not at all to us, and yet made use of the Nuncio, we should not think fit to take notice to them of it, as a Practice, which we thought, not very respectful to the King's Mediation. He added, that if they should hear any more of the Auditor, they should return a more direct Answer, now they have consulted together, than *M. d' Avaux* could, when he was first spoken to; and that it should be, that they would not refuse to receive any Propositions that might tend to the Peace, by what Hands soever they should come; tho' as he said to us, the Nuncio might be suspected to bring no good to them the *French*.

*M. Colbert* further added, in his Discourse, that *M. Beverning* having been with him on Tuesday, and discoursing of the Prince of Orange's Journey, he said, he had the same *Plenipouvoir* he had before, and was ready to go on in the Treaty here, which, he said, need not stop upon Account of that Voyage; that he, *M. Colbert* had replied, he knew not of any Stop there was; that they, the *French*, were ready to advance in it, whenever any Propositions should be made on the Part of the Allies: That what remained most in Controversie between them and the States, was about the Matter of Commerce, and the Fixation of the *Droits*, as to which he, *M. Beverning*, knew what their Answer had been; and that if the Most Christian King ever should come to yield any Thing in it, it would be after the Peace, and not in the Treaty here. *M. Colbert* said, that *M. Beverning* seemed to him, by his not offering any Thing of particular, to have a Mind first to see, what will be the Issue of the Prince's Voyage.

We had nothing to reply to it, but to thank him for the Communication, and we thought fit to lay it all before you, with this Reflexion of our own, that as to the first Part of his Discourse, concerning his

his proposing to us to take notice to the *Spaniards*, if they should make Propositions to the *French* by the Nuncio, and not by us, that we do not intend so to do, unless we have your Direction in the Case; conceiving that the Parties are at Liberty to treat with or without Mediators; and that we are to take no Notice of what the Nuncio does. We remain always, &c.

L. Hyde.  
L. Jenkins.

## To Mr. Secretary Coventry.

*Nimeguen, 12th Octob. 1677.*

Right Honourable SIR,

THIS Bearer is M. *de Veilde*, the Person that pretends to have the Secret against the Worms in Shipping: Having received his Majesty's Pleasure touching him under your Hand, we take Leave to address him to your Care and Favour.

WE have represented to him, that his Majesty's Judgment and Penetration is such, that nothing but real Effects will satisfy his Expectation. He is confident he can give his Majesty Satisfaction; nor does he doubt, but his Majesty will encourage and recompence him in Proportion.

THE Thing he proposeth to himself is, to give an Essay of his Preparation, upon which an Experiment may be made, then to wait the Issue, and the Return of the Ship: If it succeed, he will then acquaint his Majesty with the Secret, and treat about it; in the mean Time, he proposes to return to his Home again, and wait for further Orders. We did not take upon us to enter into any further Discussion with him, how practicable the Thing must be.

HE desired of us two Ducatoons a Day for himself and his Servant for 24 Days, which he reckons may be spent in going and coming, and attending his Majesty's Pleasure in *London*; so much we have paid him in Hand; and neither you nor we are to pay him any more, unless you enter into new Terms of Agreement with him.

WE find he is no Minister, but a *Religieux*; there goes along with him a *Spaniard*, who says, he equally partakes of the Secret. We remain ever, &c.

L. Hyde.  
L. Jenkins.

## To Mr. Secretary Williamfon.

*Nimeguen, 15th Octob. 1677.*

Right Honourable SIR,

OUR last was of the 11th; since which, we have yours of the 5th to acknowledge.

ON Saturday, we had some Conversation with M. *Beverning*, about the *Gluckstadt-Toll*, having no better Way than by him to come to the Knowledge of the present State of that Affair. When we had told him, how we understood out of *England* that the Thing was stirr'd again, and the King of *Denmark* not unlikely to compass his Desires in having it



it established, he seemed to be somewhat surpriz'd; and charged himself to write to the Pensioner that very Evening, that he should look about him, and give the Orders necessary to their Minister at *Vienna*.

HE could not recollect himself, he said, where and how that Business had rested; but, as far as he remembred, the Elector of *Brandenburgh* had given his Consent, that *Denmark* should have a Toll there, for a Time only, and until a certain Sum (of about two Millions and a half of Florins) should be raised; but he was absolutely of Opinion, the whole Thing must be opposed with Vigour, and resolved to solicit it himself at the *Hague*; (if he did take a Turn into *Holland*, as he intends to do, as soon as M. *de Haren* returns) for if the Toll be once established, tho' with never so many Precautions and Limitations, he takes it be as good as granted for a Perpetuity, and it will, by Degrees, be raised in the Quantity too; as it hath been within Memory in the *Zundt*, and some Places in *Holland*, which he instanced in upon his own Knowledge.

HE was so far from inclining that the King of *Denmark* should be trusted in this, upon certain Terms and Conditions, that he would like very well, he said, that the *Suede* should still hold some Part of what they had on the *Schoonen* Side, that the *Dane* may not be Masters of both Shoars, and so have the greater Liberty to set up unreasonable Exactions in the *Zundt*. But for the stopping of the present Toll, he had no great Confidence, he said, in the secular Electors, there being several Interests visible enough to engage them to consent; his Hopes are, that the Ecclesiastical Electors may be prevail'd with not to concur.

FINDING him thus warm, we left this Matter to rest here, after we had hinted, that the same Care and Concern for their Subjects, that had engaged the States General to call upon his Majesty for his Conjunction, would, we hoped, carry them on still to oppose a new Exaction, so prejudicial to the Commerce of both Nations.

THIS Occasion lead him into the like Reflexion upon the Toll that the House of *Brunswick* is endeavouring to set up at *Stoadt*, where they do extort already, from all that pass by, the same Duties that the *Suede* did, which (as M. *Oxenstiern* hath inform'd him) were but a Trifle as the *Suedes* levyed them, and upon one Kind of Merchandize only: But the *Lunenburghers* make much more of it already, and will at last bring it to be very burthensome, unless they be opposed now at the Beginning; the Exaction being so much the more sensible to them the *Dutch*, as that the States have furnished the Money that enabled the *Lunenburghers* to make that Conquest.

HE told us, that the King of *Denmark*, and the Elector of *Brandenburgh*, had lately made a new Treaty together, without any Regard, such as they ought to have had, to those antecedent ones they have already entred into with the States his Masters, and the other Allies; nay, without so much as acquainting the States with it. He says, the Emperor hath entred into the like new Alliance with the Elector of *Cologn*, and other Princes upon the *Rhine*, engaging himself not to make a Peace, till those Princes have their Satisfaction; so that according to their Scheme at present, the States must wait and cannot make a Peace, till these new Allies of the Emperor find their Account; but they will be deceived, he said, if they expect the States should conform themselves to such Measures; nay, they, the *Dutch*, are nothing troubled at the Emperor's entring into such Alliances as are inconsistent with the old ones, since they are thereby set at Liberty, to endeavour the getting them-

themselves out of the War, they being under no Obligation to the Emperor to continue in it longer than they themselves shall think fit, since the Emperor hath none of his Countries or Places lost or taken from him, as *Spain* hath.

HE says, *M. de los Balbases* (who is not yet gone hence for *Bruxells*) is at this Time much talk'd of for Governour of the *Spanish Low-Countries*, and he thinks the Thing not improbable; for besides that he hath been versed heretofore in Military Employments, he is of that great Wealth and Credit, that he may raise such a Fund of Money, as scarce any other Governour would be able to do. We are, &c.

*L. Hyde.*

*L. Jenkins.*

*Nimeguen, 18th Oct. 1677.*

*Right Honourable SIR,*

SINCE our last, we have the Favour of yours of the 12th Instant to acknowledge; which refers us to his Majesty's Return from *Newmarket*, for his Direction in those Points lying before you, to which we are often called upon here for an Answer, especially for that in Relation to Count *Antoine's* Notifications, and the Expedient offer'd by *M. Colbert*.

*M. Colbert* told us on *Monday* last, that the Discourse begun by the Nuncio's Auditor to *M. d'Avaux*, concerning Propositions he was desirous to make to them, the *French*, in Behalf of the *Spaniards*, of which we gave you an Account in our Dispatch of this Day sevensnight, had not proceeded further; and that his Reflexions upon it were, that it was a Discourse set on Foot by the Nuncio, without any Order from the *Spaniards*, as having a Mind not to seem idle here, while he imagineth there was so much doing in *England*, upon Occasion of the Prince of *Orange's* Journey.

*M. Beverning* went *Monday* Morning out of Town, as he had told us before he would do, if he saw *M. Haren* were like to be here within a Day or two; he talk'd of being away fifteen Days; before he went, he sent us a Copy of the Treaty between the King of *Denmark* and the Elector of *Brandenburgh*, of which we made Mention in our last, and now send it you herewith.

*M. Petcum*, in an ordinary Visit yesterday, took Notice with some Dissatisfaction of *M. Beverning's* going away, and his leaving that Embassy quite unsupplied; he said, it was very true there was no Business to do, but it did not look very decently to tell all the World so, by one of the principal Parties having none to appear for them in the Assembly; that he believed whatever was done in *England* towards the Peace, it would not immediately break out here as a Thing concluded there; but that we should rather find it by the Effect and by Degrees: He concluded, that one of two Things would be the Effect of this Journey, that either there would be a Peace, and that, as he called it, upon pretty moderate Terms; or else that the King would come into the War on the Side of the Confederates.

He enlarged himself upon the Terms that he called moderate, which were, that the King of *France* must restore *Sicily*, for which the *Franche Comte* might be yielded to him for an Equivalent; and that there must be some Places rendred in *Flanders*, that they might not have all their

great

great Towns Frontiers; and he thought, that if the Most Christian King would not yield to such Terms as these, that the King would engage in the War against him.

*Don P. Ronquillo* in a like Visit complain'd, that they, the *Spaniards*, were not judged fit to be acquainted with Sir *William Temple's* Journey into *England*, nor with Mr. *Hyde's* to the Prince of *Orange*, nor upon this Journey of the Prince, or so much as asked what they desired should be done for them.

HE added, that *Charleroy*, *Aeth*, *Courtry*, and *Oudenard*, (the three Places that the *French* are willing to part with, as it is, he says, given out here) will do them no good; that *France* would send them a Ratification of a Peace the next Day upon these Terms, if they would accept of them; but they cannot, for it would not make them such a Frontier as they shall need; that Country cannot defend itself with less than 60,000 Men, which so small a District can never hold; that it were better to them the Country were lost, than left to them, so as it will be impossible to defend it; nor will it be a Loss to *Spain*, for that the Money they furnish to maintain it, would raise a most powerful Fleet in the *Mediterranean*, which would be more for the Defence of *Italy* and *Spain*, in case either of them should be attacked by *France*, than the greatest Diversion they can make out of the *Low-Countries*; the Frontiers of *France* being now so far advanced, that they can make no Impression there as formerly; that the Loss of *Burgundy* will be the exposing of *Germany*; and that not only the Crown of *Spain*, but the Empire from one End to the other, is infinitely concern'd, that it be kept out of the Hands of the *French*.

ONE Thing he inculcated very much, that there is a Necessity his Majesty's Project for the Peace should comprehend the Concerns of every particular Ally, those of the *North* for Instance, as well as the four great *Puissances*, for else it will not be in the Power of those *Puissances* to press their lesser Allies to enter into the Peace, much less to conclude without them; they should therefore, by his Majesty's Project, be enabled to represent to them, that the Offers they may make a Peace upon are reasonable, and such as will excuse the said *Puissances* if they do not go on any longer in the War with them.

THE Parties imploying us in no Manner of Business for them, we take the Liberty to trouble you with the ordinary Conversation they hold with us, that by comparing how these two Discourses of the *Spaniard* and *Dane* run, you may see how they differ in their Opinions, and what they judge of the Means to compass a Peace. We remain always, &c.

L. *Hyde*.  
L. *Jenkins*.

*Nimeguen, 22th Octob. 1677.*

Right Honourable SIR,

OUR last was of the 18th, since which we have not any from you to acknowledge.

ON Thursday, as soon as the Post was gone, M. *d'Estrades* and *d'Avaux* brought us their Answers upon the Paper, which the Allies had dictated to us by their Deputies on the 22th of September last, and we to the *French* on the 29th following: M. *d'Estrades* opened the Business with telling us, that the King his Master had upon all Occasions shewed

shewed his good Inclinations to a Peace; and that we could abundantly witness the Facilities he had from Time to Time brought to it: That the adverse Party had given them indeed Propositions, but that they were such as differed not from those they gave in at first, therefore that their Answer upon them was the same they gave in formerly. That the King their Master hath no other Proposition to make, than that he may hold those Things he is in Possession of, *par le sort des armes*; and that they will give no Answer to the *Lorain* Propositions, till the *Imperialists* do receive the Minister of the Bishop of *Strasburgh*, and acknowledge him, as they, the *French*, had done the *Lorain* Minister.

THEN he took out a Paper (the Copy whereof goes herewith inclosed) which they had drawn up, they said, for the Help of our Memory; leaving us at Liberty to give it, or not to give it into the Confederates, and to use any other Words instead of those that we should judge to be too harsh to be spoken, or to be given in Writing.

WE putting them in Mind, that we had brought them a Message apart from the *Imperialists* touching the Bishop of *Strasburgh*, they told us, they intended the Paper they then gave us, for an Answer to the *Imperialists* upon that Affair. M. d'Avaux further observing to us, that this is the Place for all Parties that are involved in this War to seek their Remedy in; that the Alliance which the Bishop of *Strasburgh* had made with *France*, having been made in Conjunction with the Elector of *Cologne*, and long before the Rupture between the Empire and *France*, the Bishop must not be sent to the Diet of the Empire, nor to the Emperor's Council; he must seek his Redress here as an Ally of *France*, and that this Place must be reputed only *his forum competens*, whatever the *Imperialists* alledge to the contrary.

ON *Saturday* we gave an Account, first by way of Report, then by way of Dictate, to the Allies in their Assembly; we send you the very Words apart that we did dictate, having thought it safest to change and leave out some Things that were in the Paper the *French* Ambassador had given us.

IN the Conversation we had with the *French* on *Thursday*, they told us, how they understood from M. *Oxenstiern*, that nothing is done yet in Favour of the *Swedish* Letters and Couriers; that M. *Heugh* had delay'd for a long Time, under Pretext that the King his Master was Abroad with his Armies, and not at *Copenhaguen*; that M. *Oxenstiern* being resolved to move us again, they were obliged to join their Request with his, and desired us, that when he came, we would not forget to let him know they had passed their Offices with us.

THEY were no sooner gone, but M. *Oxenstiern* came to enquire, if we had any Thing to tell him of a further Liberty for the *Swedish* Letters and Couriers, and to desire our Offices might be still renewed in that Affair; telling us, he had lately received a Letter from the King his Master, whereby it appears, that he hearkens after the Issue of the late Overtures, they, his Ambassadors, had made by their Memorial; intimating withal, that he found his King is resolved, that if he have not reasonable Satisfaction in that Point, he will betake himself to other Measures.

WE telling him, how we had done our Offices, and how that M. *Heugh* was well disposed to treat of the Affair, provided there might be a *Reciproque* for the Letters of *Denmark* to and from *Norway*; and that we had given M. *Heugh* good Hopes, the Count would not be averse from it; he said, he had indeed thought since upon that *Reciproque*, but that it seemed to him to carry with it too great an Inequality,

lity, if it be intended such a general Liberty as Letters had before the War to and from *Norway*; since they, the *Swedcs*, pretend not to such a general Liberty, but only to a free Passage of their own Letters and Couriers to and from this Place, and relating to the Negotiation of the Peace only.

ON *Friday* Morning M. *Hengh* brought us the Memorial inclosed, as the Sum of what they, the *Danish* Ambassadors, are left at Liberty, by the King their Master, to grant to the *Swedcs*, for the free Passage of their Letters.

As he opened this Matter, we had Occasion given us to tell him, how we stood charged by the *Swedish* and *French* Ambassadors, to renew our Instances in that Matter; he told us their pressing would be of little Moment in the Affair, since that whatsoever they should do, would be out of pure Regard to the King our Master's Interpositions, and upon no other Consideration whatever.

WE carried the Proposition to M. *Oxenstiern* in the Afternoon; he took his Exceptions to every Part of it, but reserved himself to speak more fully, after he should view and consider it at his Leisure. We did not think fit to communicate the whole Paper to him, as well for some harsh Words in it, as for an unreasonable Commendation of our Discretion, (as the *Danes* call it) in stopping the *Swedish* Memorial because of its Sharpness. We only therefore gave him an Extract in *French* (which goes herewith) of so much of it as relates to the Passage of the Letter.

You will see the Memorial that M. *Hengh* gave us, to be signed by Count *Antoine* as well as himself; we did not think we had Reason to take Exceptions at it, having on other Occasions done Offices for Ambassadors while *incognito*; however, we submit to you, whether in Cases of like Nature we may scruple to do it, or continue to do as we do now; we may also acquaint you, that we found him in the Assembly of the Allies on *Saturday*, but there passed nothing between us but bowing one to the other. We remain always, &c.

L. Hyde.  
L. Jenkins.

*Nimeguen, 25th Octob. 1677.*

Right Honourable SIR,

SINCE our last, we have the Favour of yours of the 16th to acknowledge, which contains his Majesty's Commands to M. *Colbert's* Expedient, about Count *Antoine's* Notifications, and likewise about the Affairs relating to the Elector *Palatine*; both which are so plain, that we hope we cannot mistake them, and consequently shall most punctually obey them.

As to the next Point in your Letter, relating to the Bishop of *Strasbourg*, whether an Ally, or no Ally of *France*, or whether declared so or not, according to the Attestation the *Imperialists* pretended to have from three Ambassadors, of what my Lord *Berkley* and Sir L. *Jenkins* had said in that Matter; in which you are pleased to tell us, his Majesty was of Opinion, we had rather made too much of the Thing; and be as it will one Way or other, it cannot make much to the Point in Question; which is, what *France* will now declare to the Bishop's being their Ally or no; we take Leave to represent to you, that indeed the *French* Ambassadors did understand the Matter so, that the

Bishop

Bishop had not been formerly their Ally ; it were sufficient if he were so now ; and it is in their Power to receive whom, and at what Time they please ; and when they are received, to bring them to this Treaty, by virtue of the common Form of *Plenipouvoirs*, which run not only to treat with each Principal, but also with the Allies ; but we having had Occasion to discourse this their Notion of those Words in the *Plenipouvoir* to the Confederates, and finding they understand it quite otherwise, to wit, that they can only be intended to such as were Allies at the Time of the Date of those *Plenipouvoirs*, and no others ; we thought it lay upon us to say so much as we did of it, it being not improbable, but the very Time when the Alliance is entered into, may become a Matter in Question between the *French* and the Confederates.

M. *Beverning* declared himself in this Matter of the Opinion of the Confederates, who is not so in many Things, tho' he be their Ally ; and added, that in other Treaties, this hath been usually the Limitation of such Clauses as to the Time ; and that otherwise there would be no End of Treating, if it were in the Power of any Party, who might perhaps be not so desirous of the Peace as the others, to name every Day new Allies that must be heard and satisfied. As to the Latitude you take Notice we had observed to you, which had been allowed to the Nuncio, to change or omit what he should think fit in the *Dictatum* concerning the Bishop of *Strasburgh* ; in which you desire a more particular and distinct Account, how the Point stands, how far, and in what Manner it was, that the Nuncio had that Liberty given him, and by which of the Allies ; all that we can say further to you is, that when any Offices are desired to be done by the general Mediation, the same are desired, as we take it, of the Nuncio, by such as have accepted the Pope's Mediation ; and in these two late Memorials, the one from the Body of the Allies, and the other from the *Imperialists* alone, against the Bishop of *Strasburgh*, the Nuncio was charged, as we presume, from such of the Confederates as had accepted his Majesty's Mediation, with the same Memorials as we were to the *French*.

WE found, that the several Things we had excepted against in the first, to wit, that from the Body of the Allies, as too harsh to be dictated, and which they would not allow us to use our Liberty in, were all omitted by the Nuncio ; which appears by comparing the *Italian* Memorials, by which the Nuncio did his Offices, with that the Allies gave us ; this *Italian* Memorial we had by the Favour of the *French* Ambassadors.

IN the *other* Memorial from the *Imperialists*, concerning the Bishop of *Strasburgh*, we did what we could to have the Clause *Turpitudinem propriam arguat*, left out ; we found that the Nuncio, in the Memorial that he had prepar'd, had softened that Expression ; but he having taken back his Memorials again, did his Offices by Word of Mouth ; he told the *French* Ambassadors, as they told us again, that he was not obliged to dictate any Thing ; that he was tied to no Words, but left entirely at Liberty, provided he acquainted them with the Sense of it ; that afterwards he, the Nuncio, was not charged, as we were, to repeat his Offices upon that Paper against the Bishop of *Strasburgh* ; on the contrary, that not being charged with the Paper in order to deliver it to the *French* Ambassadors, but only having had it given him for the Help of his Memory, he had returned the first Answer the *French* had given him, and expected not to hear any more of it from the *Imperialists*.

## 236 *Letters from the Embassy at Nimeguen.*

AND this is all we can say to you further, to inform you of this Matter, which of the Allies had any Share in giving the Nuncio this Liberty; or how, or in what Manner he had it; or if the Proofs we have of it, which appear in the Papers which we sent you, of what we were charged to dictate; and what the Nuncio was left at Liberty in; and in what the *French* Ambassadors were pleased to tell us, of the Nuncio's Discourse to them; which they told us at first in Confidence, but since upon our representing to them, that it might be of great Use to us, to have the Liberty of taking Notice of it, if we should ever be so press'd again, they have given us leave to own, that they inform'd us of it, which we have not yet had any Occasion to do, being, as we suppose, pretty fairly off this Point; having once expressly declar'd to the *Imperialists*, that there were some Expressions in their Papers we were not at Liberty to dictate, and that we would do our Offices, as the Duty of Mediators did require; and since twice had Occasion to speak to them on this Subject, in which they did not ask any Account of us, whether we did dictate them or no; we suppose they may be convinced, we ought not to be tyed up so closely to the Expressions of any of the Parties.

IN an ordinary Visit we made on *Tuesday* to M. *Van Haren*, upon the Occasion of his Return to Town, he took notice to us, that the Answer we had brought from the *French*, to the Body of the Allies, differ'd in some Things from that the Nuncio had brought (as the Parties which had made use of that Mediator had the Day before informed the rest of the Confederates).

WE told him, we hoped there was nothing in the essential Part of it, that was short of what the Nuncio had delivered; he said no, that it was in Circumstances, as to the Beginning and declaring of the War which the *French* in this Answer had laid upon the Emperor and King of *Spain*: We told him, we had Liberty from the *French* Ambassadors to leave out what Expressions we thought fit; and to make use of our own Words; and that we thought the Question was not now, how the War had begun, but rather, how to come out of it; and that we should, in the Offices we were requir'd to do on either Side, take all possible Care to avoid Expressions that might tend to any Sharpness, or to widen the Differences; he was of our Opinion, and thought we had done better than the Nuncio. We sent you in our last, the Copy of the Paper the *French* Ambassadors had given us, and likewise of that which we dictated to the Allies, by which you will be able to see the Difference between them, and the Alterations we made, according to the Liberty that had been given us.

WE gave you an Account in our last, of the Answer the *French* Ambassadors had brought us, to be return'd to the Body of the Allies; and likewise, that the same was to serve for the *Imperialists* too, as to what they had offered, for their not allowing the Bishop of *Strasburgh* to come to treat in this Place, as an Ally of the Most Christian King.

ON *Tuesday* Morning, we were with the *Imperialists*, to give them this Answer, together with what had pass'd by Way of Discourse in Answer to their several Reasons; upon which they made some few Reflexions, but said, they would take Time to consider of what they should think fit to do further upon it.

As soon as we were come Home, M. *Oxenstiern* came to us, to tell us, that he had considered on the Project offer'd by the *Danish* Ambassadors, for the Passage of their Letters, of which we sent you a Copy

in our last; he told us, that he was very glad that the Ambassadors of *Denmark* had declared unto us, that they were enabled to treat about this Matter; that he too on his Side was in a Condition to conclude that Affair; but as to the *Reciproque* that was demanded by the *Dane*, for the Passage of their Letters to and from *Norway*, through the *Swed*s Territories; that was new, in which he had no Power to grant any Thing; that he would write of it to the King his Master, if it were desired; and did hope, it might be consented to establish the Course of Letters, as they had been before the War, as a Thing that would be of Convenience to both Crowns; but it was not to be brought into the Ballance with the Liberty he desired and insisted upon, for the Passage of Letters from this Place to *Sweden*; for that the Liberty of this Correspondence, was requisite to the present Negotiation of Peace; to which that of *Denmark* into *Norway* had no Relation. That the said Correspondence ought to be allowed upon two Considerations, either by Virtue of the Passes, by which they, the *Swed*s Ambassadors, were come hither; or according to the Example of *Spain*, which hath a Liberty from *France* for their ordinary Letters; that he depended upon the Way marked through *Laland*, *Falstend*, &c. (which we sent you in our last) for their extraordinary Couriers; which Way, he said, he hoped might be without Difficulty adjusted; but he desired first, before he entered into that Treaty, that the Ambassadors of *Denmark* would explain themselves, touching the Passage of Letters by the ordinary Post, forasmuch as he, M. *Oxenstiern*, had not marked out his Extraordinary, but with a Prospect and even on Condition of obtaining likewise the ordinary Passage that the *Amsterdam* Letters go by, at the same Time; and that this extraordinary Way through *Laland*, &c. is in no Degree practicable in Winter, by Reason of the great Trajects over the Seas, and at other Seasons, upon any Storms, is subject to great Danger and Delays.

WE went the same Day in the Afternoon to M. *Hengb*, and told him what M. *Oxenstiern* had represented to us; he told us plainly, that they, the *Danes*, intended this Passage not for their extraordinary Couriers, but for their ordinary, and only Way of Correspondence; and that till the *Spaniards* should have more Liberty granted them from the *French* for their Couriers, it was not the *Danes* Intention to grant any to the *Swed*s; that the Passage now marked for the *Swed*s by Sea, was as open in the Winter, as that they themselves had it for their own Letters into *Denmark*; it was true, the *Swedish* Pacquets must pass the Sea five Times, and theirs but three; but whenever the Seas were passable to one Place, they were to the other; and in a Word, if the *Swed*s would accept of this, they were ready to come to a Treaty, and would endeavour, in the particular Conditions, to comply as much as possible, but were not at Liberty to talk of any other route, in which he professed they were strictly bound up by their King, and that this neither had not been granted in Consideration of the *Swed*s, but of the King's Mediation; without which, the *Swed*s might have made what Noise and Stir they pleas'd in the Matter, but would have found no Relief; they, the *Danes*, remembring very well, how the *Swed*s had used them in the last War, when they had the Advantage; he added too, that without the *Reciproque* for *Norway*, he could not come to any Agreement neither; and so concluded, that if what they had offered the *Swed*s, did not please them, they had done what they could, and without new Orders they could do no more,



## 238 *Letters from the Embassy at Nimeguen.*

more, which he said, if we made Instances for, they would write about, but believed they should not easily obtain them.

WE went the same Moment to M. *Oxenstiern*, to acquaint him with what had passed; he said at first, that what M. *Heugh* inclined to, was then as good as nothing at all, since that he still maintaineth, this Passage was not practicable for these four or five Months next following; and that, on the contrary, the other Passage over the *Belt*, was never stopp'd longer than three or four Days at a Time; however, he seemed not to reject the Treaty, but desired us to see, upon what Conditions we could bring the *Danes* to grant it; saying, that his chief Aim in making out this Way at first was, because he thought the Honour of the King his Master was concern'd to have some Way open, by publick Allowance, for Intercourse with his Ministers here; which being in some Measure satisfied this Way, provided we could bring some Alteration in the Conditions, and that instead of once a Month, they might send once in fifteen Days, and that the Liberty should last to the End of this Treaty, whereas the *Danes* proposed it should be good only for six Month, he would accept it, reserving to himself still his Claim for a more ordinary Passage for the common Post; and in the mean Time, he would take his Fortune under the Coverts of Friends, as he had done hitherto; and particularly those of us the Mediators, which we told him, we had formerly offer'd him, and thought we might still do so, and which he seemed to approve better of than he had done before; we told him, we foresaw a great Difficulty still in this Matter, by Reason of the *Reciproque* so much insisted on by the *Dane*: He replied, it was a Thing he had no Orders in, and could do no more than write about it; but upon this Occasion, he repeated the Inequality he thought there was in it, and that it could not come into the Nature of a *Reciproque*, except the King of *Denmark* lived in *Norway*, and his Ministers here could not have Recourse to him, but by Virtue of this Liberty now demanded. We shall pursue this Matter with all the Care we can, and give you an Account of it. We are, &c.

*L. Hyde.*

*L. Jenkins.*

*Nimeguen, 29th Octob. 1677.*

Right Honourable SIR;

SINCE your last, which was of the 25<sup>th</sup>, we have not any from you to acknowledge.

ON *Thursday*, as soon as the Post was gone, M. *d'Estrades* and *d'Acaux* came and desired us to pass our Offices towards M. *de Haren* (the only Ambassador of the States now in Town) upon the Memorial that goes herewith enclosed. It is an Answer to the *Dutch* Ambassadors, who had some while since desired that the Usage received between the *French* and the *Dutch*, of setting all Mariners at Liberty, as soon as they are taken Prisoners at Sea, might pass into a general Rule and Establishment equally binding on both Sides; this the *French* will not consent to, but offer to agree to a Rate, that shall be thought reasonable (and they desire we should immediately adjust it) for every Sea-Officer and Mariner to pay for his Ransom.

As for the Prisoners lately in hold in *France*, as many as have been taken at Sea are set at Liberty; those that are brought from *Tobago*,  
were

were taken at Land, and in Land Service, and therefore are not to have their Liberty, but upon an Exchange of the like Number of *French* Land Soldiers.

To these several Points, *M. de Haren*, when we passed our Offices with him on *Saturday*, said no more, but that he would write to the States his Masters.

ON *Friday* we took an Hour with *M. Heugh*, and offered to enter into Treaty with him, for a Moderation in the several Conditions, which that Embassy had proposed for the Passage of the *Swedish* Letters; having represented to him, as well as we were able, how unreasonable the two main Conditions were; that is, their demanding a present Establishment of a free Passage for the Letters of all Sorts from *Denmark* to *Norway*, as a *Reciproque* to this from *Nimeguen*; and their restraining the *Swedish* Dispatches so, as not to have Liberty to pass above once a Month; all he did then was, to charge himself with reporting the whole to his Collegue Count *Antoine*, who was then out of Town.

UPON this Occasion, we acquainted him with his Majesty's Orders, (repeated to us in yours of the 16th) touching Count *Antoine's* Notifications. He told us, that there needed not many Words of the Thing;

at he had heard of it already, and was sorry it was not more favourable to them: He apprehended that it would have ill Consequences; that the King of *Denmark* would be forced to revoke Count *Antoine*, and he, *M. Heugh*, was in Hopes to get Leave to return likewise; that it was not the King of *Denmark's* Meaning, nor his Interest, (especially at this Time) to offend either his Majesty or the Emperor, in giving his Decision in the Case; that the Emperor assists *Denmark* very generously and effectually at this Time, and hath sent them 4000 Men; and does much more than some others of their Allies, tho' they are tied by their Treaty to do more than he; that he had hoped, this Expedient would not have been refused, in Regard Count *Antoine* would have contented himself with less of Ceremony from us, than we have paid to him, *M. Heugh*, or to any other Ambassador; not but that they foresaw the *Imperialists* would have cried out upon them, if they should have used this Expedient; however, they would have answer'd them, that what they did, was a departing from their own Right of being first visited by us, as all last Comers have been, and ought to be by the general Rule; yet that they prejudiced not the Pretensions the Emperor made, by the first Notifications; and so, said he, had this Expedient been accepted, we would have given you the first Visit.

WE acquainted the *French* with the Orders we had received, because the Expedient came from them: *M. Colbert* (who had taken upon him to give *M. Heugh* the first Notice that his Majesty liked it not) told us, *M. Heugh* was extremely troubled at the Thing, and declared, that as Count *Antoine* was like to get Leave to return to *Denmark*, to which he was very much inclined; so he, *M. Heugh*, would use all the Means he could to be revoked; and then that there would be one Embassy less in the Assembly.

*M. Colbert* seemed to question, whether his Majesty had had the Thing fully represented to him, and asked, whether there was any Possibility to obtain of us to write any more of it? We told him, the Representation had been made before his Majesty in Council, and that the Decision had passed there; that we durst not presume to give his Majesty any further Trouble about that Question: He told us, *M. Heugh* had no Hopes of preventing his Collegue leaving this Place very sud-

## 240 *Letters from the Embassy at Nimeguen.*

suddenly, unless there were some Probability that his Majesty might be pleased to admit of some Temperament or other, rather than see the whole Embassy leave this Place: This M. *Colbert* said he had a great Mind to adventure upon once more, by the Way of M. *Barillon*, for that that would at least keep Things in Suspence a while, and hinder the *Danes* from entring suddenly into a Resolution so disadvantageous to themselves and the whole Assembly.

THESE Things ought not, as we humbly conceive, to be concealed from you, tho' we have excused ourselves to them from writing any Thing touching that Affair; but upon this Occasion we would be glad to receive your Directions, in case M. *Heugh*, or the *French*, should propose, that rather than Count *Antoine* should leave the Assembly, he might enter into, and bear his Part in all Negotiations with us, without making any Visit of Ceremony to us, or to any other; since we may possibly be put to it, and some Compliance expected from us, especially if they should call to Mind that Temperament his Majesty was pleased to allow us to enter into with the *Brandenburgh* Ambassadors.

ON *Friday* we acquainted M. *Spanheim* with his Majesty's Orders, relating to the Prince Elector *Palatine*, he charged himself to acquaint his Electoral Highness with it by that Night's Post; and yesterday the *Hoffsein* Minister produced us a Letter from M. *de Crofs*, which mentioned a Resolution of his Majesty in Council, that his Ministers here should labour to get that Duke admitted as a Party in this Treaty.

HEREWITH goes a Copy of the Treaty made by M. *Sparr* at *Paris* between *France* and *Sweden*; we hear no more of that latter one we once writ of to you, of which M. *Beverning* had told us: And this Copy we have from M. *Oxenstiern*, under an Injunction of Secrecy.

M. *Colbert*, in Conversation on *Friday* Night, was bemoaning the very weak Defence of the *Swede* in *Rugen*, and the Difficulty that their Resettlement would bring to the General Peace; yet the King his Master could not with Honour leave them in the War, nor make a Peace that should not take them in; that which would make their Business still more difficult was, that the *Swedes* will not hear of parting with one Inch of the Ground they were once possessed of, but pretend to an entire Restitution. We remain always, &c.

L. *Hyde*.

L. *Jenkins*.

*Nimeguen, 1st Nov. 1677.*

Right Honourable SIR,

SINCE our last, which was of the 29th past, we have not the Favour of any of yours to acknowledge; the contrary Winds having prevented all *English* Letters from arriving these two Posts.

FROM the *Hague* we had News yesterday Morning, in some private Letters and in the *Gazettes*, of the Prince of *Orange* having obtained Leave of his Majesty and his Royal Highness, to marry her Highness the Lady *Mary*; there is a Printed Letter from the Prince to the States upon that Subject, which we send you here inclosed; and the *Harlem Gazettes* say, that there is an Express come to the States with the News of it, in a Yacht from the King.

SEVERAL of the Ambassadors here have been already with us, to take Notice to us of it, as a Thing they take for granted, tho' there be no Letters of it out of *England*; when we have Notice of it from you,

you, we shall have a fitting Occasion to express the Respect and Duty we owe, to what his Majesty and his Royal Highness shall please to determine. We remain, &c.

L. Hyde.  
L. Jenkins.

*Nimeguen, 5th Nov. 1677.*

Right Honourable SIR,

THE Favour of yours of the 23<sup>th</sup> coming not to hand till *Saturday* the 3<sup>d</sup> Current, we were in all the Impatiency imaginable till we had that joyful News of the Marriage concluded between her Highness the Lady *Mary*, and the Prince of *Orange*, (which had been brought here two Days before from the *Hague*) confirmed to us under your Hand. We have not Words to speak the Part we take in this general Joy. We bless Almighty God from the Bottom of our Hearts, for inspiring Thoughts into his Majesty and his Royal Highness, that have so charming an Influence upon the Hearts of all *Englishmen*, and that give so hopeful a Prospect to the Royal Family, to the two great Nations nearest concern'd, and indeed to all *Europe* besides; and we doubt not but his Majesty and his Royal Highness will have such a constant and uninterrupted Share in the Joys and Comfort of this blessed Marriage, as may bear a Proportion to that Princely Generosity and Publick Spirit wherewith they concluded it.

HAVING received the News from you on *Saturday*, we sent the same Day to take an Hour of *M. de Haren*, to congratulate with him upon it; but Word was brought he was not at Home. Yesterday (being the Day after) he sent us a Complement upon it, and to tell us withal, that he had just now received Orders, by an express Resolution of the States, to congratulate with us solemnly upon this Marriage; but that in Regard *M. Beverning* was already set out for this Place, and will be here to Morrow without fail, he desired he might have Leave to defer the Complement till he came, in order to make it the more solemn.

WE cannot think that the Solemnity that *M. de Haren* hinted to us, will be limited to their Complement only, there will be probably Demonstration of Joy and Magnificence both at the *Hague* and here; and as we think ourselves obliged to bear our Part in them, so we should be very happy, if you would be pleased to give us some Light, at what Time, and in what Manner, we should best acquit ourselves on so solemn an Occasion.

As for other Things which are passed here since our last, which was of the 1<sup>st</sup> Current, *M. Heugh* made us the same Day a solemn Complement upon this Marriage; he would, he said, anticipate what he was sure the King his Master would, as soon as he should hear of it, order him to say upon it, and would assure us beforehand, that nothing could be more welcome to the King his Master, not only for the Interest he hath in all the Happiness that will follow to *England* and the United Provinces (both his Allies) upon this, but also for the particular Concern he hath in all the Contentment that can befall his Majesty and the Royal Family.

He made his Complement, he said, as well in Count *Antoine's* Name as his own; the Count being extremely sorry for the Accident that debars him from paying us his Congratulations in Person. And in this

Place we may tell you, that most of the Ambassadors and Ministers here have made to us their Complement upon this Subject.

M. *Heugh* went on to tell us the Resolutions that Count *Antoine* and he were come to, upon the Overture we had last made to him from Count *Oxenstiern*, about the Passage of the *Swedish* Letters; it was in short this, that tho' it was in their Orders to give Way to the parting of Dispatches hence once a Month, yet they would adventure so far as to agree they may go once a Fortnight: But for the *Reciproque* which they demand for the *Danish* Letters to pass into *Norway*, and so back again, he said, it was a Thing enjoined them to insist upon, as a Condition to be presupposed, and not to be debated on as the others: However, in Regard M. *Oxenstiern* may not be instructed (as we told him he was not) in the Point, they would be content he should, as soon as he pleased, provided he came first, and before all Things, to an Adjustment of the other Conditions, dispatch one Courier for *Sweden*; and if that Courier should bring back such an Establishment of that *Reciproque* as the *Danes* do demand, then the Couriers might go on once a Fortnight, as is now projected; but if *Sweden* should not grant the *Reciproque*, then the whole Agreement to be void, and no more Dispatches to go this Way.

WHEN we gave M. *Oxenstiern* (as we did next Day) an Account of this, his Reflexion was, that he was content to charge himself to write to Court about this *Reciproque* for *Norway*; but proposed, that that might be done in the first Place, before they came to a Debate of the Conditions, because it would be so much Time lost if the *Reciproque* were not agreed to; he added, that M. *de Haren* had come to him about 3 or 4 Days ago, by Order from the States, and told him, that the Ministers of the Court of *Denmark* had sent to M. *Meyer*, the *Dutch* Resident, to re-establish the Couriers, as they were before the War, from *Hamburg* to *Sweden* thro' *Denmark*, provided the King of *Denmark* might have a Passage for Intercourse of Letters into *Norway*, thro' the *Swedish* Territories; that he thinks that Way to be the most probable, whereby to come to any Degree of Satisfaction on either Side, and that he will most readily imploy himself to bring that about.

THIS Affair hath not to our seeming any promising Countenance here; therefore we hope his Majesty doth influence it from that Side in the Court of *Denmark*, where it is in a Manner necessary it should be settled; these Ministers here having not, to our seeming, Power enough to do it. Besides, M. *Oxenstiern* assures us, that this By-way, that the *Danes* offer him is not worth accepting, much less of a Value equivalent to the Passage into *Norway*; that the King his Master will never consent to it upon the Conditions now proposed; the only Thing that is practicable and capable of a good Issue is, the Re-establishment of all Posts, as they were in those Kingdoms before the War.

ON *Friday*, M. *Kinski*, *Heugh*, and *Somnitz*, were with us, to depolite a new *Dictatum* in our Hands, the Copy of it goes herewith inclosed: It is a Reply to that we had given them some Days since from the *French*. When M. *Kinski* had read it over to us, (as it is a Stile he hath introduc'd) we laid Claim to that which of Right belongs to us Dictators, both from the Reason of the Thing itself, and from the Method or Way of Proceeding, that all Parties had agreed to in *May* last; which was, that in the *Dictata*, the Mediators should not be tied up to the precise Words of the Parties, only should set down in Writing what should be judged necessary, and the Sum and Substance of what they should propose.

THEY insisted (Count *Kinski* especially) that we should take all their Words as they had couched them in Writing, and transmit them over to the *French* in the same precise Terms, and by way of dictating. This they stood stiffly upon; and all the Temperament they framed themselves to was, that they would be content we should look over their Paper at our Leisure; and if we found any Thing we should except against, to acquaint them with it, and then we should know their Mind, or rather that of the Allies, without whom (as being no more but their Deputies) they would determine nothing. We remain always,  
SIR, &c.

*L. Hyde.*  
*L. Jenkins.*

*Nimeguen, 8th Nov. 1677.*

Right Honourable SIR,

SINCE our last, which was of the 5th, we have the Favour of yours of the 26th of *October* to acknowledge; in Answer to which, we have nothing to return but our Thanks.

ON *Monday* in the Evening, as soon as the Post was gone, we went to M. *Heugh*, and acquainted him with M. *Oxenstiern's* Desire, to send one Courier by the *Route* last marked, by whom he might inform the King his Master of the *Reciproque* demanded by the *Dane*, for a Passage into *Norway*, and know his Pleasure upon it, before they spent any Time here in agreeing the other Conditions, which would be all to no Purpose if this *Reciproque* were not granted: M. *Heugh* told us, it was a Thing he could neither grant nor deny, till he had consulted with his Colleague, which he would do, and then give us his Answer. We told him further what M. *Oxenstiern* had said to us from M. *Van Haren*, that the Minister of the States at *Copenhaguen* had writ to his Masters, that the Ministers there had offered the usual Way for the Passage of Letters from *Hamburg* into *Sweden*, as it had been before the War, provided the *Swedes* would allow them, the *Danes*, free Intercourse into *Norway*: M. *Heugh* told us, he had seen a Copy of that Letter from the States Minister at *Copenhaguen*, but he was confident that Minister had mistaken the Meaning of the Ministers there, else he should have had Orders too to the same Purpose; which he assured us upon his Honour he had not.

AFTER this was over, we took Occasion to acquaint M. *Heugh* with the Reflexions we had made upon some Passages in the last Memorial we had received from the Body of the Allies, which we sent you in our last; we told him, that we did it in Confidence first to him, in Hopes, that if what we offered appear'd reasonable and fair to him, he would assist us in the Assembly of the Allies, if it came to be debated there; and having gone through all we had to observe to him, we told him, we hoped the Allies would give us our Liberty, in avoiding such Expressions as we thought might rather hinder or delay the Treaty, than advance it; and especially since what we desired to omit, was nothing that was essential to their Sense, or could weaken the Force of their Arguments; and we added, that if they should make any Difficulty in allowing us this Liberty, which we thought necessary to the Office of Mediators, we should not be able longer to refrain from taking Notice to them, of the Difference we knew some of the Parties, that made Use of another Mediator, made between that Mediator and us; since we

were very certain, that in the last Memorial before this, which we had received from the Body of the Allies, all those Exceptions which we had taken to it, and could obtain no Mitigation in, were every one of them omitted in the Memorials given in by the Nuncio, who further had declared himself to be at Liberty, to have used what Expressions he liked best, nay, to have given in nothing in Writing at all, if he had pleased; and having gone so far with M. *Heugh*, we told him, we thought this was a Distinction, we hoped we had not deserved by any Thing that was to be imputed to our Carriage, and wherein we hoped not to suffer longer.

HE seemed something surprized with this latter Part of our Discharge to him; but he told us, that in this very last Memorial, some of the Allies were desirous to have taken notice, in the Answer they return'd by us, of some Expressions they had receiv'd by the Nuncio, in the Memorial he had presented them from the *French*, and which we had industriously omitted, in that we had given in upon the same Occasion; (it was something in Relation to the Beginning of the War, who had first declared it, which the *French* had in their Paper imputed to the Emperor and King of *Spain*) but that he and the *Dutch* Ambassadors had opposed it, saying, that they would consent to the giving no other Answer, but what suited with the *Dictatum* that the *English* Mediators had given to their Assembly; whereupon he said, that the other desisted; he promised, that he would make good Use of what we had acquainted him with, and we told him, we had advanced all this to him, as depending upon his Justice, if we should have need of it.

ON *Tuesday* in the Afternoon, we went to Messieurs *Kinski*, *Heugh*, and *Somnitz*, to acquaint them with the Reflexions we had made upon their Memorial. M. *Kinski* entred at first into the Argument of defending what they had writ, but at last said, that they were but Deputies, and should acquaint their Body with what we had said; and we ending this Conference with telling them, that we hoped, if they would take the Pains to consider their own Paper, without those Expressions which we had marked to be left out, they would not find any of the essential Part omitted, nor their Sense altered in the least; and in that Case, they would give us Leave to make the Alterations we desired. We do not trouble you by this Dispatch with the Remarks we have made, till we see what Success they will have in the Assembly of the Confederates.

IN the Evening after this, M. *Heugh* told us, that he had not as yet taken any Notice of what we said, in Confidence to him the Day before; and did not think it a proper Time, till he saw how the Thing was like to go in the Assembly; but that in the mean Time, he would prepare Messieurs *Somnitz* and *Van Haren*, that we might not be tyed up to harder Terms, than the other Mediator was; he added, that he knew the *Imperialists* had written to their Court, that they hoped insensibly to engage the Parties, that did not yet make Use of the Pope's Mediation, to come into it, of which he said, we might be assured they should be aware; we asked him, whether the *Imperialists* had found any Fault in our Conduct; he said, he never heard they did; what they attempted was, to do more Honour to the Nuncio, who complained that he was but of little Use here; he added, that the *Imperialists* had taken notice how the two last Memorials presented by us and the Nuncio differ'd, and had said they must try if they could not prevent such Disagreements in the Reports that were made to them from the same Parties, and that he, M. *Heugh*, had said, as  
like-

likewise the *Dutch* Ambassadors, that those Disagreements might very well happen from the several Reasons of one and the other Mediation to the Parties that employ'd them in doing Offices, but that there was no essential Difference, and that they for their Part would take no notice of any Thing, but what was delivered by the *English* Mediators.

THIS Morning, M. *d' Estrades* and *d' Avoaux* came to us; tho' it was our Post-Day, they sent us Word, they thought we would be content to hear what they had to say, before we sent away our Letters; it was to tell us, they had received Orders from the King their Master, to behave themselves in the Matter of Count *Antoine's* Visits; according to the Directions we had receiv'd out of *England*; and that the King their Master was very glad the King had not approved the Expedient that had been offered from hence by M. *Colbert*, for that it had been yielding the Point, and by that Means making such a Distinction between the Emperor and other Crown'd Heads, as was against his Judgment.

THEY further acquainted us, that they had received Letters from the King their Master, by which he acquainted them, how particular a Satisfaction he had in this Marriage of the Prince of *Orange*, and that he did not apprehend any Alterations from his Majesty towards him upon it; on the contrary, that the Prince of *Orange* might by this Means be more disposed to a Peace; and they having received this Information from their Master, they could not but make us acquainted with it, as a Thing that had given them great Satisfaction.

JUST as we were closing this, we received yours of the 2<sup>d</sup> Instant; wherein we find nothing requires any Answer hence upon it. We remain always, &c.

L. Hyde.  
L. Jenkins.

*Nimeguen, 12th Novem, 1677.*

Right Honourable SIR,

OUR last was of the 8<sup>th</sup>; since which, we have the Favour of yours of the 6<sup>th</sup> Current to acknowledge; and therein your great Pains in letting us see, not only his Majesty's Resolution to be still the same, but the several Grounds and Reasons that incline him in the Business of Count *Antoine*. We have the perfectest Submission possible to his Majesty's Judgment in the Point, and we had not the least Syas in Favour of M. *Colbert's* Expedient when it was proposed to us.

WE are extream sorry to find our Meeting with Count *Antoine*, in the common Meeting Place of the Allies, is displeasing to his Majesty; it was a Rencontre we could not possibly foresee, nor did we know, that the new Face was Count *Antoine's*, till the Assembly was up; and we being dismiss'd, had Time to recollect who it must needs be, we having not seen him before in any other Place.

THE Opinion that M. *d' Estrades* gave us, of not talking of Business before Count *Antoine*; related to what might possibly happen to us at M. *Hengb's* House, and in his Company only, and not what might happen in the Assembly. We had met with M. *de los Balbases*, M. *Christine*, and M. *Petcum*, in the Assembly before we had seen them any other where, and yet we went in, to declare the Messages we were charg'd with to the Allies; those Ministers were then *incognito*, and Count *Antoine* takes himself to be the same, and while he is so, he will



## 246 *Letters from the Embassy at Nimeguen.*

will probably pretend that his Presence is not to be excepted against, no more than theirs was, before they had gone through their Visits of Ceremony; therefore, upon this whole Matter, we take leave to ask you, whether when we are charged with a Message to the Body of the Allies, it is expected we should require of them that Count *Antoine* should not be there; and *secondly*, if he should be there (as we do not see how we can be sure he will not) whether it be his Majesty's Pleasure that we retire, and leave the Assembly, without delivering our Message? We lay this before you the rather, for that we cannot expect any of the Allies should stipulate, he shall not be there; and notwithstanding he be there, the Parties that shall have intrusted us, will expect that we discharge ourselves of our Commission. What his Majesty is pleased to command, relating to M. *Gloe* and M. *le Marquis de Baden Durlarch*, we shall endeavour to execute in the Manner that may be most acceptable to his Majesty.

WE told you in our last, how we had on *Tuesday* last laid before Messieurs *Kinski*, *Heugh* and *Somnitz*, some Remarks upon a *Dictatum* of the Allies, which had been put into our Hands some Days before, to be communicated to the *French* Ambassadors on *Saturday*; those three Ambassadors gave us an Account of the Resolution of the Body of the Allies upon the Reflexions we had made.

WE take leave to enclose one Copy more of that *Dictatum*, with the Words we took Exceptions to, scored under the Text, and in the Margin of the same Paper; the Alterations that the Allies concurred in, at their common Meeting about it upon *Thursday* last, you will see from the Words themselves, and from what we add in the Margin, and the Reasons for which we desired the said Alterations. 'Tis true, they shewed themselves more easy upon this Occasion than formerly, for they agreed to all the Alterations we desired; and we attribute much of it to that Concern we suppose M. *Heugh*, M. *de Haren*, and M. *Somnitz*, may have shewn in the Assembly, to have equal Right done and as full a Liberty indulged to us, as those who make use of another Mediator indulge to him.

WE gave you an Account in our last, of the particular Application we had made to M. *Heugh* upon this Occasion; and he upon *Friday* gave us an Account, seeming to be more than ordinary satisfied in himself, of the Deference that the Assembly of the Confederates had shewn to us, in yielding to all the several Alterations we had desired.

HE told us, that M. *Kinski*, who had made Report of what we had said by Way of Exception to their *Dictatum*, had omitted the main Thing we had begun our Remarks upon; which was, that the Liberty we took was by the express Directions of his Majesty, whose Pleasure it was, that we should avoid to transmit from one Party to another, not only sharp Expressions, which all civil Persons had in their own Nature to decline; but also all other Things, that open a Way, or give Colour to the other Party to reply with Sharpness, or to enter in the Discussion of Matters of Fact, that can have no Tendency to our great End, which is in such Writing to soften what is harsh, and to reconcile what is differently understood.

HE told us further, that he, *Van Haren*, and M. *Somnitz*, told their Co-Allies at the Assembly, that it was fair the *English* Mediators did not desire to use the *English* Tongue in their Reports, as the other did make use of *Italian* in his; that they, for their Parts, had no other Mediator, and would have none but the King our Master, and there

fore would not endure to have any harder Terms put upon his Ministers; than were upon that other Mediator.

To this some of the Allies answered, that the other Mediator may have taken a further Liberty to himself in the changing Words put into his Hands, than they (the *Imperialists*, *Spaniards*, and *Lorainer*) intended.

M. *Beverning*, tho' expected ever since *Tuesday*, came not hither till very late last Night; we have not heard as yet from him and his Colleague upon their intended Complement. We are, &c.

L. *Hyde*.  
L. *Jenkins*.

*Nimeguen, 15th Nov. 1677.*

Right Honourable SIR,

SINCE our last, which was of the 12th, we have none of yours to acknowledge.

ON that Day in the Evening, after the Post was gone, we went to carry to the *French* Ambassadors, the Paper we had received from the Allies, which we have already troubled you so much about.

THEY entred a little upon the Merit of the Cause between the Duke of *Lorain* and the Bishop of *Strasburgh*, wherein they pretended to shew, that the Duke of *Lorain*, for the Dutchy of *Barr*, was more a Vassal of the Most Christian King, than the Bishop of *Strasburgh* was of the Emperor; but they said they would reserve themselves to give their Answer in Form, and accordingly they had the Paper conveyed to them by Way of Dictate.

ON *Tuesday* the *Dutch* Ambassadors sent to us, to ask an Hour when they might come to make their Complement of Congratulation upon the Marriage of the Prince of *Orange*; which being assigned them, they came in the Manner that Visits of Ceremony are used to be made, with 2 Coaches and 6 Horses a-piece: They told us, they came not to make their own Complements, they were commanded by the States to come to us, to represent the Joy they had, that his Majesty, the Duke, and the Princess, had altogether concurr'd in favouring the Prince's Desires.

THEY observed to us, how that from Queen *Elizabeth*, to whom they said they owed the Establishment of their Common-wealth, they ever since sought their Protection from the Kings of *England*; concluding with their Hopes, that this Alliance would establish a nearer, firmer, and stricter Union betwixt his Majesty and their State; and would be for the Interest of the *Protestant* Religion, and a happy Entrance upon the Work of a General Peace; with much more to this Purpose.

YESTERDAY we let the *Holstein* Minister know his Majesty's Orders to us, to do our best Offices to have his Master admitted as a Party in this Assembly; we acquainted him likewise, how his Majesty foresaw we should be asked, as soon as we should move for him, in what Quality the Duke pretended to enter here; he told us, the Duke his Master was resolved to decline coming in as a Party to this War, or as an Ally to any Party that is already in it; and therefore when he should present us with his *Plenipouvoir*, he would give in his Protestation to that Effect. When it was observed to him, that unless he offered to come in as Party Principal, or else as an Ally to a Party Principal in the War, he would be told, there was no third Capacity in which he could

could be admitted in this Treaty; and that therefore it was likely he must declare himself an Ally to *Sweden*, as the Bishop of *Strasbourg* has to *France*, before the War; which would put him upon the same Difficulty with *Denmark*, as the Bishop is with the *Imperialists*: His Reflexions were, that it being of Necessity the Treaty of the *North* should come into Consideration here, and receive a Review and Establishment in some kind or other, before a Peace can be made in the *North*, his Master might intervene, as a Party having Interest in some Branches, or Articles of those Treaties, as having had the Sovereignty of *Sleswyck* stipulated to him, and vested in him by virtue of them. And therefore might, without seeming to side with *Sweden*, or to oppose the King of *Denmark* in any Thing else, pray and desire, that whatever Alterations that Treaty might have in any other Part of them, yet as to what concerns *Sleswyck*, they might subsist entire, for good Reasons, he says, he will be able to deduce; he hoped he, the Duke, would take some such middle Way, and expected his Chancellor would draw up his *Plenipouvoir*, in the nunciative Part of it, to that Effect: He expects another Minister to join with him here in few Days; what is before said, was rather his own Discourse and Conjecture, (to which we had nothing to oppose) than the Sense and Resolution of his Master.

M. *Colbert* told us, that he had Information, that the *Imperialists*, after long Deliberation amongst themselves, had dispatched a Courier to the Emperor, to give him Notice, that there appeared to them a Probability of a Peace to be made between *France*, *Spain*, and the *Low-Countries*, of which they thought it their Duty to send him this Notice, that he might consider of the Measures he is to take.

THE Nuncio had told M. *Colbert*, as he said, that he was sure there was a Project of a Peace agreed in *England*; at which he said, he wondered, having heard nothing of it from M. *Barillon*; to this the Nuncio had replied, that M. *Barillon* had sent him nothing of the Prince's Marriage neither, but that he had this from so good a Hand, that he did not doubt of it. We remain, &c.

*L. Hyde.*

*L. Jenkins.*

*Nimegueh, 19th Nov. 1677.*

Right Honourable SIR,

WE have none from yourself since our last, which was of the 15<sup>th</sup> Current; yet we have in our private Letters of the 9<sup>th</sup> out of *England*, the most joyful News of her Royal Highness being safely brought to Bed, on the 7<sup>th</sup>, of a Son; we shall therefore take Leave to begin this Dispatch with our most humble Congratulations upon an Accession so full of Joy and Hopes to the Royal Family; the more strict our Ties of Duty are, the more we are to seek for Expressions suitable to this Occasion; but our Hearts abound so much the more, as the Blessing is more seasonable and welcome; and must needs be of a most universal happy Influence upon all Sorts of Men, as well as of infinite Contentment to his Majesty and his Royal Highness; we have had already the Complement of several of the Ministers here upon it.

ON *Thursday*, as soon as the Post was gone, (that being the Time the *Dutch* Ambassadors had assign'd us) we return'd them their Visit of  
Cere-

Ceremony, and their Complement upon the Marriage; in which Conversation there was nothing of Business intervened.

WE conceiving the Orders in your last relating to M. *Gioe*, would be best executed by our Applications to M. *Heugh*, not *en Ambassade*, but severally, and with Reserve, (if need were) for more *Reprizes* than we intended in the first Address; we found him very tractable upon that Subject: He acknowledged he had already understood, that that Minister was not acceptable in that Court; nay, he and his Colleague had made that Judgment of him, by the Account he, M. *Gioe* himself, gave of the cold Regard his Majesty had shewed him, when he took his Leave of his Majesty upon his last going to *Newmarket*. M. *Heugh*'s Expressions were, that he was afraid that he was too much intriguing in his Conduct, and that he was *un peu fâcheux* in his Temper; and that it was ill for them that they had not a more acceptable Minister, where the maintaining of all good Correspondence possible with his Majesty is found to be so much their Interest: That he, M. *Heugh*, should be very glad for his Part, if his Master, the Peace being made here, would honour him with that Employment; that he would do his Part to answer our Expectations; yet that it must be considered, that Gentleman had served long, and that it would not be well to remove him in Disgrace, nor of a sudden; but he would see what could be done in it. This is the Sum of what we had from M. *Heugh*, upon these first Addresses of ours (which were one on *Thursday*, the other on *Saturday*) touching the Removal of M. *Gioe*.

*Don P. Ronquillo*, after the Complement he made us severally upon the Birth of his Royal Highness's Son, entred into a Discourse of his own extream Longing and Impatience, till he do see the Project so much talk'd of come out of *England*: He will be content, he says, with any Project or Plan, be it in itself never so unreasonable, provided it be calculated for all the Parties in War, and do come Time enough to be debated thoroughly, and to receive the Orders of the several Courts concern'd upon it: But he fears it will be the middle of *December* before any Thing be brought hither, and that before the middle of *February* the *French* will have begun their Campaign; the *interim*, he says, will be too short to come to a Resolution, since they, the *Spaniards*, (namely) and the *Imperialists*, cannot hope to be able to inform their several Courts, and to have Orders necessary in two Months Time; neither they, nor any other Ministers here, (as he believes) being enabled to conclude, without Orders first had from their Courts.

ON *Friday* the *Deux Ponts* Minister appeared here, after a long Absence at the *Hague*; he was inquisitive to know, whether his Majesty had done the Duke his Master the Charity, to take Notice of his Case, and to recommend it to the Most Christian King: M. *Spanheim* was with him, and they both told us, that the Duke of *Deux Ponts* had obtained Leave of his Highness the Elector, to make Use of M. *Spanheim*, when any Thing should offer itself here that should concern his Service, his Minister designing to return; we took that Occasion to answer the Letter that it had pleased the Duke to write to the Embassy here, whereof you have had a Copy some while since, and now we take Leave to inclose our Answer.

YESTERDAY in the Evening, the *French* Ambassadors took an Audience of us, which proved to be upon two several Points; the one was, to put into our Hands an Answer to the last Memorial we had dictated to them from the Allies, and of which we sent you a Copy by

## 250 *Letters from the Embassy at Nimeguen.*

our Dispatch of the 12<sup>th</sup> of this Month: They told us, they gave it us in Writing for the Help of our Memories; but had a further End in so doing, which was, that they, on their Parts, might have something to shew in Writing for their own Defence, as it shall happen hereafter to be seasonable; in Regard the main End of the Allies, in dressing the Memorials they give in so frequently, is to value themselves thereby with their Party, both in this Country and all *Germany* over; (where these Writings are very industriously spread) and to lay the *Odium* of delaying these Treaties, and of being unwilling to hearken to a Peace, altogether upon them, the *French*. Besides, they had used the greatest Diligence to give in this Answer, (tho' they are convinced all these Writings have no Tendency to promote the Work of the Peace) to the End the Allies may not think, (as they do, it seems, give out) that they, the *French*, have not Power to answer such Writings as these are, without first having Recourse to their Court; whereas they are sufficiently impowered to answer them.

THEY gave us the Memorial, without reading to us any Part of it, and opening of it but very slightly, which gave us Occasion to tell them, that in the doing of our Offices, we must be careful, according to his Majesty's Commands, where we find (in such Writings as these) any Expressions leading to Sharpness, not to communicate them, but to make Use of others in their Place; and therefore desired we might be at Liberty, if we should find any Occasion for it: This they were well content to give us; but having since read over the Memorial, we find it drawn up after such a Manner, that we do not know what Alterations to offer upon it, to make it fit to be delivered without Offence. We take Leave to send you herewith a Copy of it, and to desire your Judgment, what Temperament you would direct us to come to, as to the passing of any Offices upon it; for we cannot but think that this will hang some Time, before it can go any further than between the *French* and us.

THE other Point he had to speak to us of was, to desire us to acquaint the *Dutch* Ambassadors, that the Most Christian King had thought fit, by a late Declaration, to revoke that Liberty of *Fishing*, which he had granted to the Subjects of the States General, and published on the 17<sup>th</sup> of *May* last; only that his Revocation is not to take Effect till the 1<sup>st</sup> of *January* next; the Reason, they said, of this Revocation was, that there had been Infractions on the Side of the *Dutch*, namely, of the *Zealanders*, upon the *French* Subjects, notwithstanding that the States had in the same Month of *May*, accorded by Placart the like Liberty to the *French*, as was accorded by the *French* to the *Dutch*: That of the 11 *Dutch* Ships that the *French* had brought up, 8 of them only were ordered to be set free; the 3 other were confiscated, for that they had made Resistance; and that those 8 are not to be discharged, till Satisfaction be given for those Pillages the *Dutch* have acted upon the *French* since the aforesaid Placart. They told us, they would send us Copies of the Revocation, and of a Memorial that was sent them of the Infractions of the *Dutch*, but we cannot hope they will come Time enough to send you Transcripts of them by this Dispatch. We are, &c.

*L. Hyde.*  
*L. Jenkins.*

*Nimeguen, 22<sup>th</sup> Nov. 1677.*

*Right Honourable SIR,*

SINCE our last, which was of the 19<sup>th</sup>, we have received the Favour of yours of the 13<sup>th</sup>, and therein two Memorials, the one from the Princess *Sophia's*, the other from the Elector of *Cologne's* Minister; we shall endeavour to execute what is directed upon them, as Occasion shall offer: We could wish the Business of the Passage for the *Swedish* Letters were in so good a Forwardness to be adjusted, as you seem to conceive there; we can add nothing to what you have in former Dispatches from us upon that Subject, but the hearing nothing from *M. Hengh*, with whom we had last passed our Offices; we took Occasion to ask him, whether he was come to any favourable Resolution upon that Point? To which he answered, that he had yet no further Orders from his Master: And having Occasion to be with *M. Oxenstiern* last Night, and he enquiring after this Matter, we had no better Account to give him.

ON *Monday* in the Afternoon, we did our Offices with the *Dutch* Ambassadors, upon the Subject the *French* had recommended to us the Day before, concerning the King their Master's recalling the Liberty he had granted for their Fishing; the Copy of which Revocation, together with the particular Infractions that hath caused it, as it was put into our Hands by the *French*, we left with them; and now send the like to you, which we had not Time to do in our last.

THE *Dutch* Ambassadors seemed a little surprized with the Revocation, but they acknowledged, that some of their People, especially those of *Zealand*, were hardly restrained from running out to try their Fortune at Sea; and that it was reasonable, that if the States expected any Benefit from such Agreement, they should make them good on their Part.

AFTER this, we went to the *French* Ambassadors, to represent to them the Reflexions we had made upon the Memorial they had given us the Day before, to be carried to the Body of the Allies, of which we sent you a Copy in our last; we observed to them several Recapitulations in the Beginning, and so many Exaggerations throughout the whole Paper, that we apprehended might provoke the adverse Parties to sharp Replies, which would not advance the Peace; and therefore desired them to give another Turn to their Memorial, since it was not leaving out here and there some Words, that would make this (in our Opinion) fit to be carried to the Allies.

THEY told us, they found themselves so attacked by the Writings from the other Side, which were published throughout the Empire in the Words they were first drawn, and not as they were afterwards softened by our Interposition; wherein the Delay of the Negotiation of Peace was laid at their Doors, that they thought themselves obliged, by such Recapitulations, to let the World see what Advances they had made on their Side towards it.

HOWEVER, they did not insist that we should tie ourselves to their Paper so as to dictate it, it was a Way of Negotiating they approved not of, and would willingly have an End of it; so that if we could prevail with the adverse Parties to receive their Answer from us by way of Report only, without putting us to dictate it afterwards, they were

contented we should repeat only their Reasons, and use what softnings we should think fit.

IN another Conversation we had with them last Night, they told us, that since our last being with them, the Auditor of the Nuncio had been likewise to represent to them the Difficulties the Nuncio found in their Memorial, if they expected to have it communicated in their own Words; and that they had given him the same Liberty they had given us, provided he did it by Word of Mouth, and left no Writing of it; they told us, they had furnished him with two Reasons more, which they had desired us likewise to make use of; the *first* was, that whereas the Allies, to exclude the Bishop of *Strasburgh*, had alledg'd, that he was not in Arms, and was no Party of the War, therein making a main Difference between him and the Duke of *Lorain*, which was both.

THEY answer'd, that to be admitted into this Treaty, it is not necessary to be a Party in the War, since that the Form of the *Plenipouvoirs* agreed on by common Consent, runs to treat with the Parties in War, and their Allies indefinitely, that a Controversy had been so many Months ago, whether those Words *contre nous en guerre*, should be added to the Word *Allies*; and it having been acquiesced in, that all Allies without Distinction, whether in or not in the War, should be admitted to treat here, that Dispute ought not now to be renewed. The *second* was, that the Emperor having given his Passport to the Bishop's Minister to come here, as his Plenipotentiary in this Treaty, had certainly then admitted him as a Person capable, and having Interest in it: These two Reasons is all we are like to communicate to the Allies, instead of the long Memorials we sent you.

ON *Tuesday* in the Afternoon, Messieurs *Kinski*, *Hengb* and *Scmidt*, came to us in a Deputation from the Body of the Allies, to acquaint us with a Complaint they said, the *Dutch* Ambassadors had brought to them from the Lieutenant of this Garrison, of some Insolencies committed upon the Rampart of the Town, in throwing down a Piece of Cannon and the Carriage of it into the Ditch, and the other Night assaulting one of the *Corps de garde*. The *Dutch* Ambassadors in making their Complaint, had said, they were commanded by their Masters never to take upon them any Government or Direction in the Town; and therefore thought it was the best Way to send to the Mediators in this Case; and that accordingly the Allies had sent them, to make us acquainted with these Facts, and to desire us, we would think of some Means, if it were possible, to find out the Offenders, and to prevent the like Disorders for the future, offering themselves to be ready to joyn with us in any Thing we should propose to this End, and hoped that all the Ambassadors and Ministers here would agree to withdraw their Protection from any of their Domesticks, if they should be found guilty.

THEY desired us to enquire into the Matter, and so pass our Offices with the Ambassadors of the adverse Party. Yesterday we spoke with the Lieutenant, who averred all, and afterwards we applied ourselves to the *French* and *Swede*; whom we find willing and ready to concur in any Expedient or Reglement to prevent such Disorders. We remain always, &c.

*L. Hyac.*

*L. Fenkins.*

*Nime-*

*Nimeguen, 26th Novem. 1677.*

*Right Honourable SIR,*

OUR last was of the 22<sup>d</sup>; since which, we have none from you to acknowledge; and indeed know not how to hope for any, as the Winds are, and have been ever since *Saturday* was sevensnight.

IN our last save one, we sent you a Memorial that the *French* had put into our Hands, by Way of an Answer to a Paper of the Allies; and in our last, we gave you an Account of the Representations we had made to them, upon several Things in it that we thought made it unfit to be communicated, and also of the Temperament they were pleased to come to, in leaving it to us to report their Reasons to the Allies, and to use what Softnings we should think fit. The Liberty we have since used hath been to sum up their Answers and Reasons, as you will find them in the Paper inclos'd, which we communicated to them on *Saturday*, in Order to discover whether we had comprehended their Minds or not.

THEY were pleas'd to like of what we had done; nor did they offer us any Thing material either to add, or to alter in it, and thereupon desired our Offices upon it, towards the Body of the Allies; giving us Liberty withal, if they should press us very much, to dictate it to them, but not as a Writing of theirs, only as a Collection or Abstract out of several Discourses they made to us, by Way of Answer to the last Paper of the Allies.

THEY desired us withal to do our Endeavour with the Allies, that this Way of Writing may be left off; and the other, of leaving it to the Mediators, to go between the Parties with Messages and Answers by Word of Mouth, may be brought into Practice, as the Way most likely to advance the Negotiation.

THIS we took to be an Occasion proper and necessary for us, to discover to them his Majesty's Orders to us of the 6<sup>th</sup> of this Month. To except against Count Antoine's being admitted by us to enter, assist or mix as a publick Minister of the King of Denmark's in any Conference, Meeting, or Transaction of Business in the Assembly, and that we should forbear to transact in any Matter of Business, relating to the Work of the Assembly, where he is as a Party; by which they might see, that his Majesty's Pleasure was so clear and express in the Case, that we durst not appear in the Body of the Allies, nor be able to perform any Office, or to open our Mouths of Business, in Case Count Antoine were present.

IN this they seemed to be troubled, partly for themselves, and partly for us; for themselves, they said they had an Interest, that their Answer to the Allies should be lodged with them with the soonest, that they may not have the usual Pretext to charge them, the *French*, with Delays; for us, they said, they were troubled, because that such a Carriage of ours towards Count Antoine, would determine him to do what he is yet kept in suspense, and would give the *Imperialists* an Opportunity to diminish, by their Clamours, as much as in them lies, the Respect due to his Majesty's Mediation. That Count Antoine would have one main Advantage of us, as M. Colbert said, in that he had hitherto made no Step towards the *Imperialists*, at which his Majesty can take Offence, nor been near so long *incognito* here, as some other of the Allies (meaning *Don P. Renquillo*) have been; and it would certainly come  
to



## 254 *Letters from the Embassy at Nimeguen.*

to his Knowledge, he said, that the Marquiss *de los Balbaces*, and others, have appear'd at the Assembly in the Figure of *incognito*, and before they had rendred any Visits to the Mediators, which is all that can be hitherto charg'd upon Count *Antoine*.

BUT that which M. *Colbert* seem'd to apprehend most was, (for he spoke it with some Change of Countenance) that the Being of this Assembly would run a Hazard upon such a Breach as this is; wherein 'tis in a Manner certain, that all the Confederates will take the Count's Part, upon the Score of his not having failed in any Respect due to his Majesty. That for their Parts, they durst not be wanting in any ordinary Respect or Civility towards that Count, when they meet him in third Places; nor should they be so, if he comes to their Houses; and it cannot be denied, but they have a Right in their Turn, and after the Mediators, to be visited in Ceremony, as well as the Mediators themselves.

BUT they concluded with this, that tho' they have a great Concern that their Answer should be given to the Allies with the soonest, yet they have a greater, to preserve his Majesty's Mediation in its intire Vigour and Respect, as far as in them lies; therefore that rather than such an Embarrass should be brought upon it, as they foresee will be, if we should refuse to perform our Offices upon their Answers towards the Body of the Allies, because that Count *Antoine* will be present; they will sacrifice to the Mediation this Answer, and all the Advantages that might come to them by giving it in; nor would they desire us to pass our Offices upon it, till we have his Majesty's further Pleasure, upon a Representation they judged fit we should make of their Scruple and Apprehension, as we had already made of our own; and so we ended this Conversation, resolving not to go to the Allies in their Assembly upon this Answer, till we have the Honour to receive his Majesty's further Pleasure; humbly hoping, that tho' his Royal Judgment should, after this Representation, be the same, yet that he will graciously pardon the Liberty that we have taken, humbly to lay before him the Scruples and Apprehension of others, as well as of ourselves.

WE must not forbear to add, that it was their Opinion, we ought not to let any of the Confederates know we are under this Injunction, till we be further instructed, whether, notwithstanding all these Inconveniences so like to attend such a Proceeding, we shall be still commanded to except against Count *Antoine* being present amongst the Allies; whenever we have Occasion to go to them?

By this you will see, what the Opinion of the *French* Ambassadors is, as to our Carriage towards Count *Antoine* in the Assembly, notwithstanding they be of the same Judgment still with M. *d'Eftrades*, if we should meet at M. *Hough's* House; one Reflexion more we have to add of M. *Colbert's*; it is, that if ever Count *Antoine* come to notify us, we receiving Notifications in the first Place, and performing our Visits of Ceremony, but with a Coach and two Horses, as we have done ever since his Majesty hath so ordered it, he may after so long Difficulties be so stiff as to give us the Revisit with a Coach and two Horses likewise; whence the *Imperialists* will have a Colour to give out, that having visited them, and all the rest of the Ambassadors, in full *Parade*, the Visit he return'd to the Mediators was but a private Visit, and of the same Kind with those he had rendred long before to his several Allies; and M. *Colbert* was of Opinion, that if he should return his Visit in this Manner with a Coach and two Horses, it might seem  
some

some Disrespect, and yet that we cannot in Justice demand more than we bring.

LAST Night we acquainted the Deputies of the Allies, that had been with us about the Disorders of the Footmen upon our Ramparts here, that the *French* and the *Swede* were ready to concur in any Regulation, to prevent such Insolencies for the future. We offered them a Draught of an additional Article to the former Reglement, which they desired Copies of, to have the Judgment of the Allies upon it. We are, &c.

L. Hyde.  
L. Jenkins.

*Nimeguen, 29th Nov. 1677.*

Right Honourable SIR;

HAVING none of yours since the 13<sup>th</sup>, we have little to add to the Trouble we gave you by our last of the 26<sup>th</sup>, only on that Day, as soon as the Post was gone, the *Dutch* Ambassadors put the Memorial inclosed into our Hands; whereby they desire us to represent to the *French* Ambassadors, that the States General have not been in the least informed of the Infractions charged in the *French* Edict, for revoking the Liberty of Fishing upon their Subjects; and that whenever they have any due Information of them, they are ready to make Reparation; that the *French* Fishermen have had at *Newfoundland* the full Advantage of the Liberty intended to the Fishery of both Nations; but that the *Dutch* did not meet there with the like Measure from the *French* Capers; that they desire the Release of all their Fishing Bottoms, even those that made Resistance; since to defend one's self where the Aggressor is not known, is permitted by the Law of Nature. Upon the whole, they do pray, that the Most Christian King would please to continue the Liberty accorded by his Ordinance in *May* last, they, the States, being resolved not to revoke theirs.

ONE Thing they desired us to insinuate by Word of Mouth, they having not thought convenient to make it Part of their Memorial: It was, that the *French* Fishermen having had the full Benefit of the Season they imployed themselves in, were got into their Ports, at leastwise would be so before the 1<sup>st</sup> of *January*; at which Time the Revocation is to take Place; but that, on the other Side, the *Dutch* Fishermen had a Fishing upon the Dogger Lands and elsewhere, that would be extremely hindred, and in a Manner ruined, if the *French* Revocation took Place as soon as the 1<sup>st</sup> of *January*, which they desired us to represent as a Thing not equal.

NEXT Day we passed our Offices upon this Memorial with the *French* Ambassadors, which we left with them; and delivered them besides, by Word of Mouth what we were desired; the Inequality we alledged, they would not admit of as a Thing that deserved to be considered on their Side; for that the *Dutch* employing ten Fishermen to one of theirs, the *French*, all the Year round, and in all Sorts of Fishing, they ought to be satisfied with that Advantage they had enjoyed as long as the Liberty lasted.

UPON the whole Matter, they did not, they said, upon the reading of the *Dutch* Memorial, find any Thing in it that was likely to dispose their King to retract his Revocation, or to release those *Dutch* Ships that are now in hold, to answer for the Pillages acted during this Liberty

## 256 *Letters from the Embassy at Nimeguen.*

berty of Fishing upon the *French* Subjects; nor was it Reason, they said, that they, the *French*, should make good the Liberty of Fishing to all the Subjects of the States, since one entire Province of theirs, (*Zealand* by Name) had refused absolutely to concur with the rest of the Provinces, in the Liberty accorded to the *French* for their Fishing, and acted their Pillages and Hostilities upon them.

To this Particular we told them, that the *Dutch* Ambassadors did not pretend to justify the Proceeding of those of *Zealand*; and said, the States General would take Care, that the *Zealanders* should behave themselves as the other Provinces had agreed to do. The *French* at last concluded, they would transmit the *Dutch* Memorial to their Court, since we had by our Offices requested them to do it.

At the same Time, we left with them a Copy of the additional Article we sent you in our last, as a Provision intended against the Disorders upon the Ramparts, which they took some Time to consider of; taking thereby Occasion to let us see, that there were some Gentlemen, Inhabitants of this Town and Country, whose Lacquies wear Swords, whilst theirs, the *French*, and those of all other Ambassadors, were under a strict Injunction to wear none at all; which they took to be somewhat unequal; this we charged ourselves to enquire of, and if it were so, to have it remedied. We are ever, &c.

*L. Hyde.*  
*L. Jenkins.*

*Nimeguen, 3 d Dec. 1677.*

*Right Honourable SIR,*

OUR last was of the 29<sup>th</sup> past, since which we have the Favour of yours of the 20<sup>th</sup> and 23<sup>d</sup> to acknowledge.

As soon as we received them, (which was not till *Saturday* the 1<sup>st</sup>) we set ourselves to execute that Part in yours of the 20<sup>th</sup> which concerns Count *Antoine*.

WE took an Hour immediately from the *French* Ambassadors, for they being made privy by us to his Majesty's Pleasure, which we had the Honour to receive in yours of the 6<sup>th</sup> past, and having delivered us their Thoughts upon it, as you will have found in our Dispatch of the 26<sup>th</sup> following, we thought fit to let them know, in the first Place, the Injunctions (once more repeated) that we are now under.

THEY told us, after we had opened the Business to them, that his Majesty having deliberated of the Point in his Council, they had nothing to say; but that they, for their Parts, would follow the Orders they had already receiv'd from their Court, and would not visit Count *Antoine*, unless the first Respect due to the Mediation were paid us.

ONLY they were very inquisitive to know, whether we had any Orders that took Notice of the Conversation they and we had on *Saturday* was sevensnight the 24<sup>th</sup> past, whereof you have an Account in ours of *Monday* the 26<sup>th</sup> following; and more particularly, whether his Majesty had been fully informed of M. *de los Balbases* appearing (being yet *incognito*) in an Assembly where we were present: And whether his Majesty found any such Difference between the one Case and the other, as did aggravate Count *Antoine's* Case more than it did the Marquiss's.

WE told them, that tho' the Answer we had now from Court, be not upon the Representation we had made of their Sense, and upon the

Con-

Conversation we had with them upon this Subject, for that that could not be, for the Shortness of the Time, yet that we found his Majesty's Answer now to be final as well as precise; and have no Ground to expect any the least Alteration in his Majesty's Judgment and Pleasure in that Particular. To the other Point, we said, that his Majesty had very particularly compared Count *Antoine's* Case with that of *M. de los Balbases*, and had found that the Marquiss had never made any Doubt or Question of his Majesty's Right as Mediator; but that Count *Antoine* being sufficiently, we doubted not, informed of that Right, had hitherto deferr'd to pay it, and offer'd at avoiding the Question by the Means of Expedients, which his Majesty can admit of by no Means.

It was their Sense upon the whole Matter, that to the End there might be no Obligation upon us to go to the Assembly, upon any Errand of theirs, the *French*, their Answer to the Allies might rest still in our Hands; they not thinking it of that Consequence, as to bring them to be in any wise necessary to such an Embarrass, as they apprehended might, upon this Occasion, be brought upon the Mediation.

As to the 2<sup>d</sup> Point of our Orders, which is, our telling this plainly and nakedly to the Confederate Ministers, they said, if they might advise us, we should begin with the *Dutch* Ambassadors, and go no further for some Time; the Reason was, that the *Dutch* Ambassadors being told of it, would sufficiently disperse the Knowledge of the Thing to their Co-Allies; which they supposed to be all his Majesty aimed at; and would withal, out of the Regard they cannot but have for his Majesty's Mediation, endeavour to prevent their Co-Allies from laying hold of this Occasion to enter into Cabals for the setting aside of his Majesty's Mediation.

We had already taken an Hour to be with the *Dutch*, as soon as our Audience was over with the *French*; we acquainted them nakedly and plainly with our Orders, both to abstain from all Assemblies, even those of the Body of the Allies, where Count *Antoine* should assist; and to let the Allies know, we were commanded by his Majesty expressly to do it. We found them something surprized, and in much Hesitation, what to do on their Parts; they asked us immediately, whether we intended to denounce this to Count *Antoine*? To which we readily answered, that we had nothing to lead us to that Step, having no Manner of Communication with him; then they observed to us, how hard it would be, to expect that they should be the Messengers to the Count, much more to desire him to forbear their Assemblies; besides that, in any Debate about it, they should be over-voted; for to the *Austrian* Ministers, who would be very warm in this Quarrel, the *Brandenburghers* will rather lean than to them, the *Dane* having a newer and a stricter League with the *Brandenburghers* and the *Imperialists*, than he hath with the States.

They talked some while together, and afterwards with us, making it their Desire for some Time of Respite, and that it might rest till after the ordinary Assembly of the Allies this Day; for by that Time, they said, they would have their Letters from the *Hague*, and probably some from *M. Van Beuninghen* upon this Subject; their Co-Allies likewise would have Letters of this Matter out of *England*, and the *Danes* in all Probability from their Minister there; that this would come to be stirred, as they believed, in the Assembly that is to be the Evening of this Day, and then we should hear further from them.

FINDING this to be the Sense of the *Dutch* Ambassadors, and that they desired this might be kept till after this Day, we did not go to

## 258 *Letters from the Embassy at Nimeguen.*

the *Brandenburgers*, whom we intended to apply to immediately after the *Dutch*, but have resolved to see what the Assembly of the Allies will produce this Evening.

WE cannot think, that tho' we are directed to acquaint the Confederates with this Resolution of his Majesty, that it is intended we should go to the Ministers of the Emperor in particular; we humbly conceiving, that before we do make a Step so likely to end in a manifest Breach, as may happen hereupon between them and us, we should have more express Directions in the Case.

WE humbly thank you, as for the Deductions of his Majesty's Reasons so fully in your Dispatch, so for the State of the Case you are pleased to send us withal inclosed. We shall take Leave to observe to you upon that separate Paper, that as to the Matter of Fact in the two first Points, if it be put upon us to vouch them, we do not find that our former Dispatches, or our Memories, will come up to the strict Words in which the Facts are stated; for in the Fact of the *1st Query* it is said, that Count *Antoine* resolves at his Arrival to notify the Emperor's Ambassadors before those of the Mediator's; we know not how to make Proof of this Resolution; it is certain, that before and after his coming, we insisted to be notified before the *Imperialists*, and that the Occasion of our so doing was, not from any Resolution we have discovered of Count *Antoine's*, but from the Irresolution we found *M. Heugh* and *M. Petrum* in, as to Count *Antoine's* doing his Majesty's Ministers that Right.

A *2d* Fact alledged is, that Count *Antoine* offers, by Way of Expedient, to come and visit the Mediators without notifying them; and then to proceed to notify the *Imperialists* and others: If the Proof of this should be cast upon us, we should not be able to make it so clear; for the first Mention of it to us was by *M. Colbert*, as his own Thoughts; it is true, *M. Heugh* hearkened after the Success of it; and that *M. Colbert* had not had it from the *Dane* is somewhat probable, in that *M. Colbert* proposed the Visit should be made *en Parade*, but *M. Heugh* understood it should be *in private*.

THIS we humbly take Leave to observe to you, to prevent, if you think fit, that the State of the Case, as now it is, do not go further Abroad.

BEING gone thus far, we have the Favour of yours of the *27th* come to our Hands; and we shall observe his Majesty's Directions all we can, in softening such Publick Papers as any of the Parties shall put into our Hands.

THIS Dispatch was perused by *Mr. Hyde* my Colleague, and intended to be signed by him this Day, before his going hence for the *Hague*; but he being willing to take Advantage of the Wind, as it presented itself this Morning early, the signing of it is left to me alone, who am your, &c.

*L. Jenkins.*

*Nimeguen, 6th Dec. 1677.*

*Right Honourable SIR,*

SINCE our last, which was of the *3d*, there is none from you come to Hand: That Dispatch happens to be signed by me alone, *Mr. Hyde*, after the preparing of it, taking his Journey for the *Hague*, before it could be made ready for his Hand.

Y O U

YOU have in it an Account of what we had done with the *French* and *Dutch* Ambassadors, in Execution of his Majesty's Orders touching Count *Antoine*. I went on *Monday* to M. *Oxenstiern*, to acquaint him (as I did in the plainest and fullest Manner I could) with those Orders; Mr. *Ilyde*, before he went, thinking, as well as myself, that it would be decent for us to give him the Communication of this Incident, rather than leave it to his Allies, the *French*, to do it, or to let it come to his Knowledge some other Way; taking Occasion withal to insinuate to him, how far all Crowned Heads, and consequently the King his Master, are concerned in this Affair.

HIS Answer was, that he was very sorry his Majesty meets with such a Disappointment from the *Dane*; that he would write to the King his Master about it, who, he is sure, when he hears it, will be troubled; that he had a good while since had Discourse with his Allies, the *French*, upon this Subject, and would take the first Occasion to speak with them again upon it: He did not say so roundly as the *French* did, that he would not visit Count *Antoine*, in case he should give his Notifications about, unless he should find that the first Respects were done to the Mediation. I drew him the nearest I could to that Point, in touching (with Acknowledgments) upon what himself and his Colleague had practis'd towards us in this Place; and also in minding him of what his Majesty's Ministers and the *French* had done at *Cologne* towards the Mediation of *Sweden*.

HE kept himself within general Terms, acknowledging the first Respect, in such Assemblies as these are, to be due to the Mediators; but reserving himself to speak with the *French* his Allies, without saying what he would do, in case he should be notified by Count *Antoine*.

WE gave you an Account also in our last, how we had acquainted the *Dutch* Ambassadors with his Majesty's Orders to us, touching Count *Antoine*; and how they had desired us to respite them till their Assembly of that Day was over, where they thought that Business would come to be stirr'd, either by the *Dane*, or some other of the Allies. But seeing I heard nothing from them, I went last Night to M. *Beverning*, to inquire of that Matter; he told me, he had been at the Assembly on *Monday*, on Purpose to attend this Thing, if any Thing should happen to be moved in it, and that his Colleague M. *de Haren* had been since at Count *Antoine's*, to discover, if possible, what Course the Count would take, and what the *Danes* would propose to the Confederates, when his Majesty's Orders to his Ministers here should come to their Knowledge; but there was no Mention made of this Business, either at the Assembly or at Count *Antoine's*.

HE added further, that they, the *Dutch*, had no Letters from M. *Van Beuninghen* by the last Post; that therefore they desired me to let Things stand as they do, till they receive their next Letters out of *England*; for that it concerns them extremely what Step to make, when his Majesty's Pleasure becomes more Publick; and they will be better heard amongst their Confederates, when they come to debate about the preserving of his Majesty's Mediation entire, and in its full Vigour, when the Informations they have of his Majesty's Pleasure shall be from their own Minister.

UPON the whole Matter, I thought it safest to comply with this Desire of his, and to let Things rest for the little while he desired; and the rather, because that Part of his Majesty's Orders, which is, that we should forbear the Publick Assemblies, is secured, and hath its full Execution; and the other Part, of declaring this his Majesty's

## 260 *Letters from the Embassy at Nimeguen.*

Pleasure, and the Reasons for it, is so far complied with, that the *French*, the *Swedcs*, and the *Dutch*, have their Parts of it in the fullest Manner.

YESTERDAY Morning, M. *Somnitz* went hence for the *Hague*, to complement their Highnesses from the Elector his Master.

I have had Occasion to see some or other of every Embassy here, these two last Days; it was to move them for Passports in the Name of the Elector of *Cologne*, for three Deputies that his Electoral Highness designs for this Treaty, in Behalf of his Principalities of *Liege*, according to the Memorial enclosed; I did not find any of them inquisitive in any of those Things they used to be, but only for the Return of my Lord of *Fecersham* from *Paris*.

BEING with M. *Oxenstiern* on Monday, (as above) he asked me, if there were any Hopes about the Passage of their Letters through *Denmark*: Having given him an Account of the Offices we last past in that Affair, and where it stuck, he desired me to move it to M. *Hough* again; which I did yesterday, and was told, that he, M. *Oxenstiern*, might blame himself, that that Office sticks as it does, they having offered him to let a Courier go to the King of *Sweden*, to know whether he would accept of the *Danish* Conditions, provided M. *Oxenstiern* would agree to them, in Hopes his Court would ratifie them; M. *Hough* adding, that they had given an Account to their Court, of the Offer they had made, and had been approved therein.

I was this Day with M. *Oxenstiern*, to let him know M. *Hough's* Answer; he could not, he said, accept of those Conditions, tho' but provisionally, because he durst not propose the Liberty of the Letters of the Court of *Denmark* for *Norway*, as it was desired; but would do it if it be considered as a separate Thing from the Letters relating to *Nimeguen*; and that in Lieu of that Liberty to *Norway*, all Letters address'd to the Court of *Sweden* from *France*, *Germany*, and other Parts, might be permitted to pass by the ordinary Post of *Denmark*: He added, that the *French* Ambassadors had lately assured him, that if Things in this Treaty should come to never so great a Ripeness, and be concluded, and ready to be signed, yet that they, the *French*, would do nothing till the *Swedcs* be satisfied in Point of Correspondence with their Court. That he expects by the Return of M. *d'Olivenkrantz*, to have Orders to insist for this Liberty in such a Manner, as he is sure will be taken notice of; tho' he desired this might not be understood to come from him at this Time, by Way of Menace what they will do. I am, &c.

*L. Jenkins.*

*Nimeguen, 10th Decem. 1677.*

Right Honourable SIR,

MY last was of the 6th; since which, I have not the Favour of any from you to acknowledge.

I took leave in it, to acquaint you of my having been the Evening before (which was *Wednesday*) to speak with M. *Beverning* about Count *Antoine's* Business, and how he had desired Things might stand as they then did, till they, the *Dutch* Ambassadors, should receive their next Letters out of *England*; I have not heard from him since; and yesterday in the Evening, when I would have gone to speak with him again about the same Business, I found him gone out of Town some Hours

Hours before: He is gone to the *Hague*, and it is said, that as soon as he has complemented the Prince and Princess, will return.

I gave you also an Account in my last, of M. *Oxenstiern*'s Reply to M. *Heugh*'s Answer, about the *Norway* Letters; which was, that he would propose the Thing, and free Passage of them to his Court, provided that in lieu of it, all Letters addressed to the Court of *Sweden* from *Denmark*, *Germany*, and other Parts, might have free Passage into *Sweden*, by the Conveyance of the ordinary *Danish* Post, &c.

M. *Heugh*'s Answer was to this Effect; that they, the *Danes*, had not sought to M. *Oxenstiern* for their Conveyances of sending into *Norway*, nor have they much need to do it, since they have Ways that the *Swedens* cannot hinder them in; but that the *Swedens* asking them for Conveniencies of corresponding with their Court from *Nimeguen*, they, the *Danes*, had thought it just to propose an open Passage for their Letters to *Norway*, as a Condition they did and would absolutely stand upon, for Compensation.

THAT he, M. *Oxenstiern*, not liking of the Terms, they had no more to say, but only undertook to write again upon this Instance of mine to Court about it; and assured me, that they, the *Danes*, did come to the utmost Temperament they could, when he, M. *Heugh*, declared, that there should be Liberty of Couriers to go once a Fortnight; whereas it was in their Orders but once a Month; the Memorial, he said, that he had put into our Hands, to carry to the *Swedens* upon that Subject, being in all other Points the same to a Word with their Orders from Court, only the Orders were in *Danish*, and the Memorial in *Latin*, so that this Matter sticks here; another Answer is to be expected from *Denmark*; this will take up a great deal of Time, nor is there any likelihood, as I see, that will be more favourable to our Negotiations here than the former was.

M. *Christine*, in an ordinary Visit he gave me on *Saturday*, took Occasion to speak of the ill Conditions the *Spanish Low-Countries* are in, and said there was a sad Fatality that attended every Thing that was done on the *Spanish* Side; wishing that a Cessation of Arms might be the first Thing settled, otherwise the little that is left them, may be wholly lost, while we are treating here.

THE Bishop of *Gurck*, in a Conversation I had with him the same day, seemed to conclude, that there is little Hopes of a Peace; his reason was, that in *France* they have more and more Inclinations to pursue their Point, since they see every Day greater and greater Evidences of the Weakness of the Confederates; his only Hopes were, that *France* will have a just Respect for the King our Master, and comply with his Instances, because of the great Force he is able to second them with when he sees Cause.

M. *Cannon* returned hither on *Wednesday* last from the *Hague*, but was away from thence as far as *Amsterdam*, before his Highness the Prince's Arrival; so that the Complement of the Duke his Master was left to be performed, and has been since performed by Monsieur *Serinchamp*.

*L. Jenkins.*



*Nimeguen, 13th Decem. 1677.*

Right Honourable SIR,

MY last was of the 10th; since which, I have the Favour of yours of the 4th Current to acknowledge; by which I find, that his Majesty hath been pleased to take the Business of Count *Antoine* into Consideration once more; this being so, I think it is my Duty not to make any further Step in that Matter, till I have the Honour to know his Majesty's further Pleasure; my meaning is, that I shall not proceed further than we have done already (to declare to the Confederates, that we cannot appear at any Assembly where Count *Antoine* assists) yet, on the other Side, I shall be sure not to appear at all among them, unless I have fresh Directions from his Majesty to do it.

WHAT you are pleased to touch in your Letter, of the Parliament being adjourn'd to a nearer Day than that in *April*, is Matter of great Surprize and Discourse here; the Letters of the 4th and those of the 7th, to the several Ministers here, coming to Hand yesterday at one and the same Time; and the latter, it seems, enlarging by Way of Comment upon the former. The most diligent Enquirer that I have yet met with, of the Cause of the Parliament meeting so soon, has been *Don P. Ronquillo*, who favoured me with a Visit last Night upon this Occasion; but did not take upon me to give him any other Light, or Satisfaction, besides that I have in the very Words of your Letter. He made it his great Enquiry to know, what Plan or Proposition that was, my Lord of *Feverham* carried into *France*; his last Advice from thence having been, that the Answer to my Lord of *Feverham* was not such as would satisfy his Majesty; from the Discourse of this Affair, he passed to another Subject; he did acknowledge and confess, that his Majesty takes all the Care and Pains possible about the Affairs of *Spain*; and that he, for his Part, relies perfectly upon his Majesty's great Equity and Care of them; he wish'd heartily there was some Body near his Majesty, that might have the Honour to lay before him, the great Concern that *Spain* may have in some certain Things, that are in themselves but little.

HE told me, he came not to pass any Office with me in Form, or from the Embassy upon that Subject, but that it was his Desire, and he should think it the greatest Honour in the World to him, to have his Majesty's Reflexions upon a few Thoughts of his of present Consideration.

THE first was, that it is most necessary for *Spain*, that all Disputes about Limits and Dependencies be determined and concluded with the general Treaty, so as nothing be left to after Disputes: The huddling up of the last Treaties between them and *France*, having left behind them such controverted Points, as the *French* would rather have made the Occasion of a new War, if they had wanted other Pretexes, than yielded to that which was reasonable; and as to the Matter of Limits, the Jurisdictions in the *Low-Countries* are so confounded, he said, as to be of a larger Extent in some Respect, and of a narrower in other; that Disputes cannot be avoided, unless the Limits be set out by Rivers and other Boundaries, that are very notorious, and have been constantly acknowledged for Boundaries Time out of Mind.

ANOTHER Thought of his was, that *Quefnoy* between the *Sambre* and the *Scheld*, *St. Venant* upon the *Lys*, and the *Chatelaine* of *Vuerne*, tho'

tho' all three of little Consequence for their Values, are in a Manner necessary, and will be of infinite Importance to them, in Regard of the Cover and Shelter they will afford them; and therefore that he most humbly desired his Majesty would be pleased to cast an Eye upon them as they lie in the Maps; and that *Spain* may owe them, and the Benefit it will have by them, to his Majesty, as a Part of that which *France* shall yield them at his Majesty's Instance.

A *third* Thing is, that he doth with all humble Earnestness imaginable, recommend *Burgundy* to his Majesty's Protection, to preserve it to the Crown of *Spain*; humbly desiring that it may be considered, that if *Burgundy* should be dismembred from it, how much larger Territories the *Spaniards* will have need of in *Flanders*, than they are like to have restored them, before they can sublist, and be in any Way or Degree useful to their Neighbours, as 'tis hoped, he said, they may be, if they are now preserved from being over-run: Thus he discoursed, and afterwards desired, that in Regard he knew of no body that was made acquainted with that Part of his Majesty's Plan which is in Favour of *Spain*, or had offered any Thing in that Behalf, these few Thoughts of his might be represented to his Majesty as from him, who, besides the particular Veneration he hath for his Majesty's Royal Person, hath so great Experience of his deep Judgment in all these Things, and of his particular Affection and Care of the King of *Spain*. I am, &c.

*L. Jenkins.*

*Nimeguen, 17th Dec. 1677.*

*Right Honourable Sir*

SINCE my last, which was of the 13<sup>th</sup>, I have the Favour from you of a very large one of the 11<sup>th</sup> Current, and wholly upon the Business of Count *Antoine*; whereby it appears, you have taken a great deal of Pains to collect the Matters of Fact, in order to represent them the more clearly to his Majesty. And his Majesty's Royal Goodness and Patience can never sufficiently be admired, to suffer this Thing to be so often brought before him.

It must be confess'd, that among the Facts there is no Account in our Dispatches, of the very Day whereon we found Messieurs *de los Balbaces* and *Petcum* first to appear in the Assembly: But in a little Diary that I have, there happens to be these Words, set down on *Thursday* the 21<sup>st</sup> of *June* 1677. — *We were (at 5) at the Assembly of the Allies, we gave an Account of what Answer the French had given us about a special Power, and of our giving in the first Proposition of the Duke of Lorain; there we saw M. de los Balbaces and M. Petcum for the first Time.* — These are the Words there.

BUT hence arises an Objection; you are pleased to fix the Arrival of *M. Petcum* two Days after, (that is, the 23<sup>th</sup> of *June*) out of our Dispatches, and my Diary speaks him present at the Assembly on the 21<sup>st</sup>. 'Tis true, that upon the 23<sup>th</sup> *M. Hengb* acquainted us with his being come to Town, but 'tis not set down in our Letter that he told us what Day he had arrived; *M. Hengb's* Business being not so much to acquaint us of his coming to Town, which was beneath him, as to sound us what kind of Treatment his Title of *Deputé Extraordinaire* was like to meet with, when he made us his Visits. But I have some Cir-

## 264 *Letters from the Embassy at Nimeguen.*

Circumstances yet fresh in my Memory, that do in a Manner assure me; I saw him at the Assembly before he gave me any Vilit.

ANOTHER Objection there is, that *M. de los Balbafes* had notified his Arrival, and communicated his *Plenipouvoir*, before we saw him in the Assembly, and that cannot be denied; but to say nothing of that *Plenipouvoir*, or of that Notification, both being out of the Forms, if Count *Antoine* were wanting in nothing else, he is not behind *M. de los Balbafes* in the Matter of communicating Powers; for Count *Antoine's* *Plenipouvoir* was in due Form communicated to us in *April*, by his Colleague *M. Hengb*, and exchanged with the *French*; (there being but one and the same Instrument to them both) whereas the right Powers of *M. de los Balbafes*, were not communicated till the 25<sup>th</sup> of *July*, upon which Day they were produced also for *M. Christine*; and of this there is a Touch in my Dispatch of the 26<sup>th</sup>, tho' 'tis not said they were (as in Fact they are) but one Instrument for *M. Christine* and his two Collegues.

YOU are pleased to take Notice, SIR, that the great Argument that the *Dane* is like to urge against us, will be from *M. Balbafes* and *Petcum's* (at leastwise *M. Christine's*) assisting in the Assemblies before they notified us. I have, I must confess, thought it deserved an Answer, because Precedents are here, and in all such Cases, a great Argument; but it is not that which troubles me, for if there were nothing else in the Case, it would be sufficient to say, that no Question, such as now is, having been moved in *M. Christine's* Case, there was not the same Cause to except to his assisting at such Meetings, as there is now in Count *Antoine's*.

THAT which to my Apprehension is hardest to answer, is not any Thing that Count *Antoine* can say or pretend, but that which the rest of the Confederates (nay, all the Parties here) may say, for their own Interest, as they lie intangled with this Affair; for it seems to me obvious, that all the Parties may alledge for themselves, *First*, That they are not behind-hand, but have in their several Turns performed what is now demanded of Count *Antoine*; and therefore that his Majesty's Resentments against him, are not intended to reach them, as it will do, to their Prejudice, in case the Offices of his Majesty's Mediation do cease because of Count *Antoine*.

2<sup>dly</sup>, THAT the Confederates may alledge, it is not in their Power to bring Count *Antoine* to do that which he now demurs upon, much less to get him to withdraw himself out of a House, where he is as much at Home as any of them is; nor to absent himself from those regular Meetings, at which not only the Business that the Mediators now and then come upon is treated, but all other Sorts of Matters that occur, and wherein any, or all the Confederates have an Interest.

3<sup>dly</sup>, THAT each Party in the War hath an equal Right to the Benefit of his Majesty's Mediation, stipulated to himself (when the Mediation was offered and accepted) singly and separately from the rest of his Co-Allies, and that therefore it would be hard, that when there is but one among them who offends, all the other (as well the Confederates as the adverse Parties) should want that Benefit, and consequently suffer Prejudice. The Case, as I take it, would be so, if there were any Thing to be treated in the Assembly between the *French* and the *Hollander*, or the *Swede* and the *Brandenburgher*, who have no Mediator between them but his Majesty; and these last would be more at a Loss, in Regard they would hardly frame themselves to come to the Expedient of treating Face to Face.

THIS,

THIS, I confess, looks to me as obvious to be objected against us; nor have I so good an Answer as I could wish, in case it should be so; but I should not presume to mention it, tho' I do it with all the Submission possible, but that I perceive by your last, his Majesty still continues to give a gracious Hearing to what is said, out of his Tenderness to this Assembly, tho' nothing that hath been yet offered, hath moved his Majesty to come to any Change in his first Resolution.

ON *Friday* was with me a Gentleman that had a Commission from the Duke of *Mecklenburgh-Swerin*, to appear in this Assembly as Substitute to M. *Muller*, the Minister of the Duke of *Lunenburg-Zell*, to whom the Care of the Affairs of the Duke of *Mecklenburgh* is committed, as he says.

HE produced an open Writing under the Duke's Hand and Zeal, addressed to his Majesty's Embassy here; but I finding there was an Error in the Stile, which was *Illustribus & Generosissimis*, excused myself from receiving it from him, till it were mended, acquainting him what Stile the Electors and other Princes of *Germany* are pleased to treat us with.

HAVING known that he had been in Town for some while, I let him know the Respect that was due to his Majesty's Mediation, to have the first Application made by all Ministers to it, preferably to all other Embassies whatsoever. He told me, upon the Faith of a Gentleman, he had made his Applications to none other, nor yet visited or seen any Ambassador or Minister whatsoever in Town, since he received that Commission, which was come but a very few Days before into his Hands, upon Notice, it seems, that the Duke had, that M. *Muller* was like to stay at the *Hague* for some Time.

HIS Business here is, to move for Reparation for the Damages and Ruins that that Duke hath sustained by this War: I acquainted him with the preliminary Difficulty that would lie in his Way, how no Party is yet entered into the Treaty, but such as are either Principals or Allies; therefore those from whom he was likely to pretend Reparation, (as he named the *French* and *Swedes*) would in all Likelihood oppose his Entry into the Treaty, as being no Party to the War. This he was convinced would be the Case, and therefore would take Time to consider on it. I therefore submit to you, what Directions are proper for us in this Case against M. *Muller* comes, or this Gentleman produces a Power in good Form.

ON *Saturday* giving M. *de los Balbases* a Visit, he let himself very gentelely into a Complement, that the Mediators did not set the Parties here on Work; but that which I perceived he had a Mind to be at, and to complain of was, that there are so many Journeys made to *Paris* upon a Project for the Peace, and not a Word said to them, the Ambassadors here, or to any of the *Spanish* Ministers, all this while; harping upon the same Things that I have given you some Account of in my last from *Don P. Ronquillo*; and concluding, that in a Business of this Nature, there are many Things that may be overlook'd, as thought to be of no great Consequence, which the Ministers of the Crown of *Spain*, if they were heard upon them, would make appear otherwise.

MY Answer was general; that I had not heard his Majesty had any Communication upon these Particulars with the Ministers that are in his Court, of the one Side or of the other: And as for overlooking Things, his Majesty's Applications were such, that I thought all Parties were sufficiently satisfied of his Care, as well as of his Zeal.

## 266 *Letters from the Embassy at Nimeguen.*

He imputes it to the Prince of *Orange's* Stay in *England*, that the *Dutch* Ships are not yet gone for the *Straits*; but I found M. *Blaspiel*, in a Visit he had given me the Night before, to impute it wholly to the *Spaniards*, who being to bear two thirds of the Charges, had not furnished their Quota; whereas the Admiralties have long since furnished theirs; and the Province of *Holland*, out of Regard to their Trade, had advanced 100,000 Crowns over and above their Proportion, that the Preparations might go on with greater Vigour.

Just as I had gone thus far, and was ready to close, the *French* Ambassadors take an Hour of me, and tell me, that having written to know, whether the King their Master would be disposed to prorogue the Neutrality that was agreed in *May* last, for the Fishing between him and the *Dutch*; the Answer was, that he could by no Means depart from the Revocation he had made of his Ordinance, but that he intends it shall absolutely cease and determine the 1<sup>st</sup> of *January* next; whereof I am going out of Hand to advise M. *de Haren*, that he may, by this Post, send Word to the States, of what is to be expected in that Affair. M. *Colbert*, when this was over, and when they were rising, began to tell me, but very pleasantly, that they expect better News out of *England* than that which the Allies publish here, who make so full an Account of a Breach between *England* and *France*, that they already look about them for new Mediators. I am, &c.

*L. Jenkins.*

*Nimeguen, 20th Dec. 1677.*

*Right Honourable SIR,*

MY last was of the 17<sup>th</sup>, since which I have none from you to acknowledge.

ON *Monday* was with me M. *Ulken*, (the same, I perceive, that was formerly in *England* from the Duke of *Holstein*) he came to Town but on *Saturday* late at Night, and brought me a Letter from the Duke, a Copy whereof goes herewith inclosed. He enlarged very much upon the calamitous State of that Duke, and how he will be without Remedy, unless he be admitted to this Treaty: He told me, that within few Days he and his Colleague (who hath been now about 12 Months in Town) would bring me their Powers in Form, and their Propositions, for the restoring and indemnifying of the Duke their Master.

I laid before him the preliminary Difficulty he was like to meet with, in that the Duke is neither Party Principal, or Ally in the War, and that none of a Neuter Condition have been yet admitted.

His Answer was, that if he might not be admitted as a Neuter Prince, having a peculiar Interest vested in him in the Treaties of the *North*, he must declare himself an Ally to *Sweden*, or else to *France*.

I observed to him, that if his Master should declare himself an Ally to either of those Crowns, and yet decline all Part in this War, he would be in the same Difficulty that the Bishop of *Strasburgh* now is; and, on the other Side, if the Duke should declare himself such an Ally as partakes with *Sweden* in the War, then the King of *Denmark* would be, for ought I knew, at Liberty to treat his Country, and possess it as that of an Enemy: Therefore that the declaring of such an Alliance would be a Step of vast Consequence; desiring him withal (as I did) to represent this Apprehension of mine fully to the Duke.

He

HE seemed to me resolved upon the Point, and to expect I should pass my Offices towards the *Dane*, as soon as he and his Colleague should bring me their Papers; and that if upon those Papers, wherein there is to be no Mention of any Alliance, he be not admitted, then to declare his Alliance, and to demand, as of Right, his Admission.

HIS Majesty having taken the Pains to put the Difficulties to the *Holstein* Minister on that Side, (as appears by your Dispatch of the 26<sup>th</sup> of *October* last) I expect when they come together to me, to hear from them what Reflexions the Duke has made, and what Resolutions he has taken upon the preliminary Questions, as they were put to his Minister by his Majesty himself; and shall, when I find their Answer to be clear and uniform, get so much Time as to represent it, by your Favour, with all Humility, to his Majesty: For the Step of declaring the Duke to be an Ally to *Sweden*, seems to me of dangerous Consequence to him; and to that this Gentleman made no other Answer to me, but that no Hostility of *Denmark* can put the Duke into a worse Condition than he is; but his Desire that he may enter as a Neuter Prince having Interest, is that which the whole Alliance will oppose, there being no Party among them but hath some Neuter Prince or other in their Eye, and they watch against the coming of such into the Treaty, as fearing their particular Pretension upon them.

ON *Tuesday* M. *Spanheim* was to acquaint me, that his Highness the Elector *Palatine's* Business with the *Imperial* Ambassadors stuck still where it did; and that, to his seeming, those Ambassadors are willing to put off, for some Time at least, the advancing of any Proposition for the Elector.

HE told me, all the Parts of *Germany* have been in great Fear, least a Cessation of Arms should take Place, as they had been told was intended over all the *Low-Countries*, this Side of the *Meuse* to the Sea; but now they are in some Measure out of that Pain.

HE says, a Minister from one or more of the Princes of the House of *Brunswick*, coming to the Dyet at *Ratisbone*, sent his Powers by a Secretary to the Chancellary there: He that has the Direction of it for the Elector of *Mentz*, sent the Minister Word, that was not the Stile; and that he himself in Person should have presented his Powers: This the Minister refuseth to do, tho' the *Imperial* Commissioner (the Bishop of *Aich-stadts*) hath labour'd all he can to bring him to it; so that that Dyet hath been at a Stand this 6 Weeks upon this Occasion. His Conjecture is, that this Minister goes out of the ordinary Form, that he might balk the rendring of the usual Deference to the Electoral Dignity.

THERE is a Minister likewise lately arrived at *Vienna* from that House; his Business is to solicit, that the Emperor would order his Ambassadors here at *Nimeguen*, to give the Ambassadors of the Princes of the House of *Brunswick*, (for it seems they intend to send some with that Character hither) the same Treatment that the *Brandenburghers* have; so that that Question is like to be set on Foot again.

YESTERDAY was with me a Gentleman from the Prince of *Ligne*, who desires his Majesty's Interposition in the Prince his Master's Behalf; that a Settlement of some Lands and Seigneuries, that had been made between him and the Prince d'*Espinois*, when the long Truce was made in 1609, between the King of *Spain* and the United Provinces, may be declared to stand good, and in its full Vigour, by this Treaty; according to the final Agreement then made by King *James* of Blessed Memory, and King *Henry* IV. who were the Mediators, and, as it were,

their Guarranty : In the Year 1660, the *French* Intendant *Pelletier*, put the Prince of *Ligne* out of Possession of some of those Lands and Seigneuries after 60 Years quiet Enjoyment ; and he hath been out ever since, by Reason of this War ; his Desire is, that he may be restored to what the Treaty of 1609 hath given him, and that his Majesty would support him with his Protection ; having spoken to me first of this Business on *Sunday*, he left with me yesterday the Memorial enclosed of it.

LAST Night was with me M. *Hugh*, to tell me, that he had represented what Mr. *Hyde* and my self had severally intimated to him, touching M. *Gloe's* Unacceptableness at Court ; the Letters of yesterday brought him the Answer of the King his Master upon that Point ; which was, that the King of *Denmark* did declare his Readiness to comply in the removing of him out of *England*, and that he understood à *de my mot*, what was proper for him to do, as he found the Case to stand ; that he had therefore bethought himself, and resolv'd to dispose of him elsewhere ; for that besides his Desire, to give all Manner of Satisfaction to his Majesty in any Thing that is in his Power, he knows, that if M. *Gloe's* Conduct at the Court of *England* be not grateful to the King our Master, the continuing of him cannot but be disadvantageous to the Affairs of *Denmark*. Only he desires a little Time to do it, that his Removal may be gently, and as it were insensibly ; he added, that the King of *Denmark* will do his best, and doubts not, but that the next that comes into M. *Gloe's* Place, will be such as his Majesty will have no Cause to be dissatisfied with. M. *Hugh* conceives he will be removed into *Spain*, the *Danish* Minister there being to be call'd Home, and intended to be of the Privy Council.

L. Jenkins.

*Nimeguen, 24th Decem. 1677.*

Right Honourable SIR,

IT is very sad News that I find in yours of the 14th, (which came very late last Night to my Hands) of our having lost the Duke of *Cambridge* ; and I cannot but have a deep Sense of Grief in it, suitable to my particular Duty and the publick Occasion : I beseech GOD (to repair that Loss to their Majesties and Royal Highnesses in his good Time, and in the mean while, to support them with the choicest of his Comforts and Blessings.

THAT which I have to add, to that I troubled you with in my last of the 20th, is no more, but M. *de los Balbases* favouring me with a Visit on *Saturday*, was inquisitive to learn of me, what I knew of the Plan for the Peace, particularly, whether it was calculated for all the Parties in War ? And whether the *French* Ambassadors here had any Account from *Paris* of my Lord of *Fewersham's* Negotiation there ? Finding how unable I was to satisfy him in any of these Questions, he entred into a Discourse of the great Preparations of the *French* in *Flanders* ; he said, the Prince of *Orange* had offered the Duke de *Villa Hermosa* four Regiments of the *Holland-Infantry* to go into *Namur* ; that he had accepted of them ; and that according to his Advices, they must have been got thither by *Thursday* or *Friday* last at furthest ; but he said, he had a Letter from a Friend, (not from the Governour of *Flanders* himself) in which it was said and thought, the *French* had an

Eye

*Letters from the Embassy at Nimeguen.* 269

Eye upon *Newport*, and would suddenly attempt some brisk Thing upon it, in Regard of the Posture that *England* is like to be in 'ere long. He did seem to be of Opinion, that the War will be carried into the *Milanois* this Campaign; his Reason was, that the *French* can do no great Matters there, unless they have a compleat Army; which he thinks they cannot have, and withal furnish for *Germany* and *Flanders* besides.

YESTERDAY the Marshal *d'Esstrades* sent me a Passport (as I had lately desired one of the *French* Ambassadors) for the Deputies of *Liege*, the Copy of it goes herewith; you'll find in it the usual Mention made of his Majesty's Mediation.

I hear no more from the Confederates of the Passports on their Parts, than that the *Imperialists*, after I had passed my Offices with them, moved them at a Meeting not to do any Thing in it, till they should be able to acquaint the Court of *Vienna*, and know its Resolution upon this Demand for the *Ligeois*.

WE shall endeavour to send you with the soonest, Copies of as many of the new reformed Powers, as have yet passed our Hands here.

*L. Jenkins.*

*Nimeguen, 27th Decem. 1677.*

*Right Honourable SIR,*

THESE Holidays have not yet afforded any Thing worth the adding to the Trouble I gave you by my last, which was of the 24th; I then acknowledged the Favour of yours of the 14th Current, which is the last come to Hand; and have no more at this Time, but to assure you of my being always, &c.

*L. Jenkins.*

*Nimeguen, 31st Decem. 1677.*

*Right Honourable SIR,*

SINCE my last, which was of the 27th, I have the Favour of two of yours (one of the 21st, the other of the 25th) to acknowledge; and in both of them your Care of us, in the Dispute between us and Count *Antoine*.

I hope there has nothing fallen from us on this Side, that should make you suspect we are otherwise than most firm in the first Part of the Question; I mean, that Count *Antoine* should pay to his Majesty the first Respect, before the *Imperialist*, and in the very same Manner that others have done it. Our only Difficulty is, how we shall refuse to appear in the Assemblies of the Allies, because of his being present; and also how we can denounce it to them, as his Majesty stands now engaged the General Mediator.

THE Matter of Fact which I find is new to you, and that you seem to think not unlikely to be huddled in, is thus far certain; on the 24th of *April* last, we did communicate the Powers between the *French* and the *Dane*, (I have a little Note of that Day on which it was done) by my Lord *Berkley's* Secretary, and Sir *William Temple's*; and we send you by this ordinary, a Transcript of that very Copy that was then given in, and was intended by M. *Heugh* to lie by us, as a Duplicate



plicate of that we were to leave with the *French*, attested by the Secretary of his Majesty's Embassy, and as a Copy of that Original which M. *Hengb* was to receive again, after it had been exhibited to the adverse Party the *French*: You will find in this Transcript, Count *Antoine* expressly named, as Ambassador and Plenipotentiary in the first Place.

I shall very readily acknowledge, we should have sent a Copy of those Powers; but we went, it seems, upon a mistaken Ground; we sent you the first Powers that the *Dane* and also the other Parties brought with them from Home; and then when a common Formulary was agreed, we sent you that Formulary, and the Act obligatory for the procuring of it within two Month's Time, in the very same Words it had been agreed, and that in the due Forms of the several Courts. When these new Originals came to Hand, and we found them to agree with the respective Formularies lying by us, under the Hand of the respective Ministers, we were not so careful as to send Duplicates of these new Originals, since we found them to agree perfectly (as I may say to a Syllable) with the Formularies first deposited in our Hands.

UPON this whole Matter, this we took to be certain, that M. *Hengb* having desired us to pass our Offices towards the *French* Ambassadors upon an Original and a Copy wherein Count *Antoine* was named first in that Embassy, as he is in the Transcript that goes herewith; supposing Count *Antoine* had paid the Respect due to his Majesty's Ambassadors at any Time since, neither the *French* Ambassadors (the *Suedes* do not come into this Case, as having not exchanged with the *Danes* or any Body else) nor we would have any Pretence to demand a Sight of his Powers, either upon his appearing in the Assembly, his notifying us of his Arrival, or upon any other Occasion; for when an Instrument of this Kind is exhibited for one of those that are Parties to it, and he be received and acknowledged, the others, tho' absent, are sufficiently legitimated; unless there do arise a Question, whether they be the same Persons intended in the Instrument or not; which is no Part of this Case.

ON *Friday* Morning, I passed an Office at M. *Beverning's* Request, with the *French* Ambassadors, in Behalf of the *Dutch* Prisoners taken at the Fight at *Mont Cassel*, that they may be set at Liberty upon a Cartel agreed in *May* 1675, between the Marshal *d'Esstrades* and M. *Pesters*, in Behalf of the States General, that Cartel I hope to send you as soon as I can get it transcrib'd, they undertook to write that Day to *France* about it. M. *Colbert* thought it not so proper for them to intermeddle in such Matters, that are meerly of War; M. *de Louvoys* having, he said, Power to execute the King's Order in such Affairs, without rendring an Account to any others of what he does: M. *d'Esstrades* and *d'Avaux* called to mind some Displeasures that the Most Christian King had conceived upon the defaming of some Officers that were *de la maison du Roy* Prisoners for some Time, and with some Harshness, being taken at the Fight at *Mont Cassel*, this M. *Beverning* told me, might be Part of the Case, and that his Highness the Prince of *Orange*, for Want of Information in due Time, may not have done that which is pretended in Favour of such Prisoners.

He told me of another Thing that would be objected; which was, that the Cartel for the Ransom and Exchange of Prisoners, was not understood by the *French*, of Prisoners taken in *bataille rangée*; but as there is no such Distinction in the Treaty, so the *French* Ambassadors did

did not hint that Difficulty to me; but, on the contrary, M. *d' Estrades* promised to write earnestly about it to M. *de Louvois*.

M. *Colbert* being ill with the Gout, this gave me the Opportunity of a particular Conversation with him, not only upon this, but upon the Affairs of the Treaty in general. He told me, that M. *Barillon* does not find on that Side the Affairs so desperate as the Allies represent them here. He let himself into a Discourse of the present ill Condition of the *Suedes*, without any Thing leading him to it; saying, he knew not whether they, the *Suedes*, would leave them, the *French*, or not; but the King his Master could not in Honour leave them, the *Suedes*; yet it would be very hard to ask of him to restore Places for the Establishment of the *Suedes*, since *France* hath no Place but hath cost him exceedingly dear; being forced into a War that the *Spaniards* declared against them. That Mr. *Montague* had had several Conferences with the Most Christian King and his Ministers, namely with M. *de Louvois*; and that little Satisfaction appeared in the Countenances of any of them at their parting; that his (M. *Colbert's*) Brother, M. *Moulecrier* writes him Word, it is the general Discourse at that Court, there will be a Breach with *England*.

M. *Cannon* being with me for his Condolances of the Duke of *Cambridge* on *Friday*, told me, he was even overjoyed with the Sense his Majesty is pleased to entertain of the Duke of *Lorain's* Sufferings; for it seems that his Highness the Prince of *Orange* hath, since his Return, assured M. *Scrinchamp* at the *Hague*, that his Majesty's Care and Protection for that Duke, goes infinitely beyond all the Sollicitations that he the Prince could, or any other, make to him in that Behalf.

THE same Day M. *Christine*, in a Visit he gave me, seem'd to rejoice very much, that the Courier of the Day before from *Flanders*, did not bring them the News of any Place besieged; he said, that the Successes and Progresses of the *French*, put him into a Fear for any Place that they should set themselves to besiege; but that which troubled him most was, he said, the Apprehension of a Revolt in the great Towns, where no Garrison is capable to ballance or overawe the Multitude, if they should fancy to preserve themselves that Way. He gave an Instance, how little a Garrison (tho' never so great and vigorous) should be able to do in *Ghent*, where there are 200,000 Souls, and in *Brussels*, where there are 100,000 fighting Men.

ON *Saturday* Don P. *Ronquillo* favoured me with a Visit, and expressed a great Joy, that his Majesty hath ordered the Recruits of our Officers that serve in *France* to be stopt. He had been told, he said, but 3 or 4 Hours before, there was a Person in this Town, that hath been in *England*, in the Name and Behalf of the Malecontents in *Hungary*, to desire his Majesty to interpose in their Behalf for Liberty of Conscience, &c. and said upon his own Knowledge, his Majesty would be very well heard, and his Offices well accepted in that Affair, if he should please to intercede in it with the Emperor.

I did yesterday make the best Enquiry I was able, whether there had been any such Person in this Town, but I do not find it was any other, but one of the *Hungarian* Ministers, that was lately here in his Return out of *England*.

Don *Pedro* likewise told me, that if *Namur* had been besieged 8 or 10 Days ago, the *French* would have certainly carried it, but now it has 6000 Men in it: And that *Spain* makes a very great Provision toward this following Campaign; for the last Advices from *Madrid* tell them,

## 272 *Letters from the Embassy at Nimeguen.*

them, the *Imperial* Ambassador hath Bills for 500,000 Crowns put into his Hands, besides the 100,000 Crowns he hath already received.

THE Bishop of *Gurck*, in a Visit I gave him on *Saturday*, seem'd to think we have no great Hopes of a Peace at this Time, tho' the Emperor his Master be in the fullest Disposition possible towards it; for besides that, he thinks the conquering Humour to be most prevailing in the *French* Councils; he thinks the mending Hand that the *Spanish* Monarchy would be upon, provided it have a little Respite of Peace, is at this Time a Temptation to run it down.

HEREWITH inclosed go the Powers of the *Holstein* Ministers, and their Proposition likewise; for the Proposition, as they had framed it at first, was very offensive in Point of sharp Language; but upon two or three *Reprizes* that I have had with them about it, it was reduced to the Form you now find it in.

THEIR Desire is, that I would pass my Offices upon these two Papers, in order to procure them Admission into these Treaties, as the Ministers of a Neuter Prince, that bears no Part but that which is perfectly passive in the War; and they would see the Success of that Demand, before they proceed further to declare their Master to be in Alliance with any of the Parties in War.

YOU will find by their Proposition, that they would be restored to the Benefit that is vested in their Master by the Treaties of *Rochield* and *Copenhagen*, and that they would have all that the Duke was forced, as they say, to agree at *Rensburg*, to be abolish'd; besides, they would have their Master reimbursed of his Damages, and his Indemnity secured for the future.

I most humbly beg the Honour of his Majesty's Directions in this Point; whether it be his Pleasure that I do pass Offices upon the Powers and the Papers as they go here inclosed; the Admission of these Parties into the Treaty, will be probably opposed, as the Bishop of *Strasburgh* is; they not declaring themselves in Alliance with any of the Parties in War, as that Bishop does; and who stands fairer by the common Agreement to his being admitted here, than they do? On the other Side, if the Duke of *Holstein* be not admitted as a Party to that which concerns himself and his House in the *Northern* Treaties, he will go near to lose the very Foundation of his Sovereignty and Independency in *Sleswyck*; which, for ought I perceive, is the main Thing contended for: I must confess I have neither seen nor heard what the *Dane* can say in that Point; but I have seen two or three Prints in the Duke of *Holstein's* Behalf, that seem to make his Case exceeding strong, and do well deserve an Answer. However, since his Majesty is engaged to do the Office of a Peacemaker between them, if it could be done in the General Peace, the Agreement would, in all Probability, be the more lasting. I am, &c.

L. Jenkins.

*Nimeguen, 3d Jan. 1677-8.*

Right Honourable SIR,

SINCE my last, which was of the 31st past, I have none from you to acknowledge.

M. d'Esstrades and d'Avaux did on *Monday* in the Evening desire me to pass my Offices with the *Spanish* Ambassadors, in the Behalf of the Prince

Prince of *Conde* and his Son the Duke of *Anguien*, for certain Arrears they pretend to be due to them from the Crown of *Spain*.

THEY told me, they were ordered by the King their Master to make this Instance to the Mediation in his Name; but that M. *de Carriers* (and not they) was charged with the Detail of their Pretensions, and that it was from him I was to receive the Information. Last Night he was with me, and gave me two Memorials, the Copies whereof go herewith inclosed.

THE one Memorial is for the Prince of *Conde*, who having one Million, six hundred, and sixty four thousand Crowns, stipulated to him by the Treaty of the *Pyrennees* from the King of *Spain*, upon several Accounts, does now demand, partly in Arrear, and partly for Interest incurr'd, the Sum of five hundred and twenty three thousand, two hundred seventy one Crowns; thus much being behind at this Time.

THE Duke of *Anguien's* Pretension is, the Sum of three hundred thousand Pounds, or thereabouts; this is a very old Debt, laid by King *Philip II.* of *Spain* in the Year 1556, upon the Revenue of the Crown of *Naples*; it was for Money lent him by a Queen of *Poland*, Wife to *Sigismund I.* her Right became devolved by several Successions to the late King *Casimir* of *Poland*, and his Right is now vested in the Duke and Dutchess of *Anguien*.

OF this M. *Carriers* hath given in no Memorial signed, nor any Demand or Calculation in Form, but a *memoire volant* (as he calls it) in order to affect the *Spaniard* with this Demand at the same Time with the other, reserving to himself to make his Demand liquid in a short Time; for King *Casimir* having by Assignment pass'd over some Part of this Right to the present Duke of *Newburgh*, as he pass'd that Way in the Year 1669, and the Duke of *Anguien* not being yet precisely informed how much it was, (whether a half Part, or one third Part) M. *de Carriers* is not particularly enough instructed how much remains undisposed of, and consequently due to the Duke and Dutchess of *Anguien*. These two Papers I intend to pass my Offices upon this Day as soon as the Post is gone.

ON *Tuesday*, M. *Termulen* (the 2<sup>d</sup> of the three Ministers of *Munster* that you and I have seen at *Cologne*) called upon me, as he was going in some Haste to the *Hague*, the Emperor having writ, he said, to the Bishop his Master, to desire him to send a Minister to assist at a Conference there is to be of the Allies, and to begin on *Saturday* next at the *Hague*. He thinks he may have a Commission in a short Time, to come as Plenipotentiary hither, but not till he has return'd to his Master, to give him an Account of his Negotiation at the *Hague*.

YESTERDAY, in a Visit I gave M. *Beverning*, we discoursed over what I told you in one of my last, of the Intentions of the *French* to leave this Place; as also of a Report that goes up and down here, that the Allies have lately had the Point of leaving this Place in Debate, and pass'd a Resolution to leave it, in case of a Rupture between *England* and *France*; he had not, he said, assisted at the last two or three Conferences of the Allies, but cannot believe the Report to be other than groundless; for he assures himself, that if there had been any such Debate or Question moved, some of the Allies would have given him a Hint of it. And for the *French*, he says, tho' it be true such Words have been let fall, as I told you of in one of my last, yet he begins now to think (having had Discourse so late as yesterday with them himself) that there is no such Thing yet resolved; for as he does not, so he finds they do not think it impossible, but that we may come to a Peace, and

## 274 *Letters from the Embassy at Nimeguen.*

very suddenly to. He thinks that *France* and the House of *Brunswick* are at this Time entered into some Measures together, but does not yet know the Particulars. He says the *Spaniards* are in the best Disposition in the World at this Time to make a Peace, for they are sensible how little they are able to do; and 'tis a Shame, he said, to think how near *Namur* was to be lost, before the Prince sent those Regiments into it. As for *Ipres*, he gives it for gone, and it will be well if *Newport* too have not the same Fate. I am, &c.

*L. Jenkins.*

*Nimeguen, 7th Jan. 1677-8.*

*Right Honourable Sir,*

SINCE my last of the 3<sup>d</sup>, I have the Favour of yours of the 29<sup>th</sup> past, for which I most humbly thank you, and particularly for the inclosed Speech, which certainly is extraordinary in its kind; I will try if I can get hold of the Thread of that Affair, as it has been spun from the Beginning, and shall not fail to give you Part of all that comes in my Way.

I told you a good while since, how the *Spanish* Secretary had promised fair for the Stipend of their Court with the Emperor, and how he hath since excused himself very unexpectedly: What the *Swedish* Secretary hath promised, he will, I hope, make good; but he hath been of late not well.

On *Thursday* I performed my Offices with the *Spanish* Ambassadors, upon the two Memorials I sent you in my last; to that touching the Prince of *Conde*, they said, it was their Wish he might have all Satisfaction, he having formerly done Service to the Crown of *Spain*; but that the Memorial being Matter of Account and Calculation, they must desire Time to send it to their Court, that it may be examined by the proper Officers.

THE Duke of *Anguien's* Business, they said, was much more intricate, and there had been Law-Suits long depending about it, in the Sovereign Court at *Naples*; whither the King of *Spain* must send all Pretenders to make out their Right, the Payment of the Money having been long since assigned upon certain Revenues in that Kingdom. Those that have already laid Claim to this Money, are the Republick of *Poland*, the Duke of *Newburgh*, the Duke of *Hanover*, and the present Queen Dowager of *Poland*; and the Marquis *de los Balbases*, while Ambassador at *Vienna*, and *Don P. Ronquillo*, while he was in *Poland*, did do what they were able to further the Pretensions of that Queen at *Madrid*, but without Effect, in Regard of the Opposition of so many Parties; they thought the Duke of *Anguien* would meet with no less Opposition; however, they would not fail to represent his Pretension to the Court.

NEXT Morning I gave an Account of this to M. *d'Esstrades*, who liked the Civility of this Answer, and to M. *Carriers* in the Afternoon; both of them agreeing, that it was Reason the *Spaniards* should have Time to write to their Court, and that that was the Reason the Prince of *Conde* moved in it thus early, that the *Spaniards* might have Time enough to advise with their Court.

On *Friday* M. *Petrum* was with me, being returned the Day before from the *Hague*; his News was, that those of the best Judgment there, were in Hopes that his Majesty would ere long make the Peace; that the

the Bishop of *Munster* had promised his Master 10,000 Men; and that there is a Probability that *Stralsund*, upon the Offers which the Emperor makes, (to declare it a free *Imperial* Town) may throw out the *Suedes*; that the King of *Denmark* pretends to nothing but the Isle of *Rugen* on that Side, to the End he may live in good Neighbourhood with the Elector of *Brandenburgh*.

ON *Saturday* M. *Cannon*, the *Lorain* Minister, told me, what a Concern he was in, upon a Report that had been in Town two or three Days, that *France* hath proposed to the King our Master, to restore the two Dutchies of *Lorain* and *Barre*, the Town of *Nancy* excepted, which the Most Christian King pretends to keep to himself; but in lieu of it, to give to the Duke as good a Thing, or better; the City of *Toule* being named for the Exchange.

It was therefore his most humble Desire it might be represented to his Majesty, that the Duke of *Lorain* will have all the need imaginable of his Favour and Protection in so great a Streight; and as soon as he hears of it, he will be constrained to trouble his Majesty, since the Business so nighly imports him. It would be very hard, he said, that a Prince that has never been in his Estates, (as the Duke has not) should be forced to change a Place so considerable as the Capital Town of all, before he see it, or know the Value of it, or of that which is offered in lieu of it.

BESIDES, it is the Place where most of the Princes of that House have had their Birth in; it is a Place, that has in a Manner all the People of Quality of that Country, and where the Duke has a House to live in; and besides that which he has in *Nancy*, he has not one House in all his Dominions that is left standing, of 30 or 40 that his Predecessor had in good Order before his Troubles: The Town of *Nancy* is a Place well fortified; it hath 17 Royal Bastions; and in all the Duke's Country there is not (*Nancy* excepted) any Town, Castle, or Fortrefs, where the Duke may defend himself in the least from any Insult that a Rebel Subject, or a troublesome Neighbour, may attempt upon him.

BUT that which goes nearest to M. *Cannon's* Heart, and which he begs may be laid more especially before his Majesty, is, that the Town of *Nancy* is the very Center of all the Country that is under the Duke of *Lorain*; and the *French*, if that Town must be theirs, cannot come, but must, as it were, tread down and trample over the Body of the Dutchies of *Lorain* and *Barre*, so that all Parts of them by this Means will be exposed to perpetual Marches and Ruins, and by degrees to utter Defolation.

As for the City of *Toule*, he says, 'tis a miserable poor Place, and lies as it were in a Corner of the Duke's Country; it has not he is sure 200 *Bourgeois* in it, the Bulk of that Town consisting in Churches and Convents; the Poverty of it may be estimated by that of the Bishoprick, which lay vacant for several Years, for that none at the Court of *France* would accept of it; and at last they were forced to give it to a simple Curate in the Town of *Paris*.

THESE are the Reasons (as far as I was able to comprehend them) that he gave against his Master's parting with *Nancy*, and exchanging it with *Toule*; but he had heard, that the Most Christian King himself thought the Propositions so hard of Digestion, that he concluded the Duke would not be able to receive them, therefore that he is come to a Resolution, that unless the Duke will part with *Nancy*, he will demolish it.

IN this Case, *M. Cannon* thinks the Duke will be obliged to fly to his Majesty's Protection, no less than in the other; for 'tis the only Place (as was said before) that the Duke has left him, to shelter himself from any ordinary Insults; besides, whatever Fortifications there are here, they have not stood in one Penny Expence to *France*; (which he desires may be particularly observed to his Majesty) they having been raised altogether at the Charge of that Country; and the Duke (as *M. Cannon* believes) will enter into any Expedient (but he said this wholly out of his own Head) of putting it into such Hands, as the King our Master should approve of, rather than be stript naked of all Defence in his Country, and left in as bad a Condition as any private Gentleman in it: This Favour he hopes his Majesty will the more easily obtain of the Most Christian King, for that the Duke hath never given any Offence to *France* in all his Life; and resolves to live with that Respect towards that King, as shall give him content if possible.

THIS was, as near as I can recollect, the Substance of *M. Cannon's* Discourse and Request to me; but I perceived last Night, in an ordinary Conversation I had with *Don P. Ronquillo*, that this Proposition touching the Duke of *Lorain*, has an Impression upon the *Spanish* Ambassadors; *Don Pedro's* Expression was, that they, the *Spaniards*, are very much curtail'd, according to all the Accounts he hath had yet of the Project on Foot; that it will be not only a weakning, but a great disfiguring of them, to have the *Franché Comté* taken from them; but that they must expect to see how their Allies will be dealt withal; he named the Duke of *Lorain* with some Emphasis, then the King of *Denmark*, then the Elector of *Brandenburgh*, and the Dukes of *Lunenburg*, *Zell*, and *Osnabrug*, as if the Satisfaction of all those Parties was a necessary Ingredient to make them, the *Spaniards*, acquiesce in such a Project. I cannot say, he did fully speak out to this Effect, but I conceived this to be his meaning. He seems to be confident, that *Italy* will not be disturbed this Campaign; and that all those Magazines that are talk'd of to be at *Pignerol*, and other Places, are come to nothing; and that the Cardinal *d'Estrees* had done no great Matter in his Negotiation at *Turin*. *Don Pedro's* Letters of the 29<sup>th</sup> from *Milan*, speak the Cardinal gone by the Way of *Geneva*, into *Switzerland*; but I am told by another Hand, that he is come to *Munick*, the Elector of *Bavaria's* Residence. I am, &c.

L. Jenkins.

*Nimeguen, 10<sup>th</sup> Jan. 1677-8.*

Right Honourable SIR,

MY last was of the 7<sup>th</sup>; since which, I have the Favour of yours of the 4<sup>th</sup> Current to acknowledge; and do most humbly thank you for it.

ON *Monday*, after the Post was gone, *M. Colbert*, in an ordinary Visit I gave him, entred into a Discourse of the great Expectations that are now out of *England*, and of the Assurance wherewith the Allies here do promise themselves that there will be a Breach very suddenly between his Majesty and *France*. He did not believe, he said, that the Breach was in that Forwardness they would have it; yet that the Letters of that Day, that were come from *France*, are not very promising.

HE told me, that the King his Master had sent his Resolutions on the 4<sup>th</sup> Instant, N. S. by a Courier to M. *Barillon*, and that upon two Points, the one concerning a Cessation of Arms, and the other concerning the Places that were to be restored to the *Spaniards*, or else to remain to the *French*. For the Places, there were demanded by the King his Master, *Tournay*, *Valenciennes*, and *Conde*, which he could not possibly part with, without too great a Diminution of those Advantages that had cost him so dear in Treasure and the Blood of his Subjects: *Tournay* especially, he lookt upon as the ancient Patrimony of *France*, as the Place where the chief Seat of Justice was to be, besides the Conveniency of its Scituation in many Respects; and that it was yielded to him by a solemn Treaty, that of *Aix la Chapelle*.

THERE were other little Conveniencies that he thought necessary to stand upon, as to have some Part of a neighbouring *Chatelaine*, for the Ease of *Lisle*; to have *Charlemount*, for the better covering of *Champagne*; the *Chatelanie* for the Town of *Vurnes*, and some other small Things, not so much for any Advantage they might yield to *France*, but for the avoiding of Disputes, and making the Limits more equal and certain.

THAT which he said concerning the Cessation of Arms was, that his Majesty demanded it should be the 1<sup>st</sup> of *March*, and in the mean Time, that the *French* should attempt nothing in *Flanders*; his Majesty requiring that Interval to send to all Parties, in Order to have them agree to the Cessation, and nothing in the mean Time to be done that might change the present State of Affairs; this he said was too hard; for if the Liberty of acting at this Time be taken from the *French*, there will be in a Manner a Stop put to their Progress for the whole Year; since in the Summer they will have so many Enemies upon their Hands, and so much to do to defend themselves, as not to be able to act, as now they may.

FOR the Duke of *Lorain*, he said, all was to be restored to him; *Nancy* excepted: And in Lieu of it, he should have the City of *Toule*, so that his Terms will be much easier than those agreed to his Uncle at the Peace of the *Pyrenees*; for by that Peace, the whole Dutchy of *Barre*, and a great many more Places, were reserved to *France*; and now all those are let go by *France*, and only a Way reserved still, as there was then, for the *French* to march through the Country towards *Germany*.

FOR *Sicily*, he said, it was a Secret to them, but only that they understood in the general, that *France* had agreed to what his Majesty had desired about it.

As for the Restitution of the *Swede*, he said, his Majesty had taken it wholly upon himself; and doubted not, but that he, and the States General, should be able to make what Peace in the *North* they themselves should please.

HE seemed to be perfectly instructed to make out the Reasonableness of Limits and Dependencies they stand upon in the *Low-Countries*, and did commend mightily the Moderation that *France* was now come to, saying, that if they had had the Concessions now made by *France* put into their Hands, before the Prince of *Orange's* Journey into *England*, they would ere this have concluded a Peace with M. *Beverning* and the *Spaniards*; but now that M. *Beverning* gave them no Hopes at all. For that he, M. *Colbert*, and his Colleague, having been some Days since to enquire of him, in what State the Affair of the Commerce between the two Nations was, found him quite of another Judgment than he used to be; for that he told them, he had been long of Opinion, that



## 278 *Letters from the Embassy at Nimeguen.*

that *England* would not stir for the Preservation of *Flanders*, and had had often told his Allies so much, but that now he was quite of another Judgment; telling them plainly, *England* would break with them within three Weeks, and that they should be here to see it: But this he desired might not return to M. *Beverning* again, but repeated to me, he had said those very Words, upon the Occasion I gave him, by telling him, I did not know upon what Grounds M. *Beverning* framed to himself such a Judgment.

I found indeed by M. *Beverning*, in a Conversation I had with him yesterday, that they had been with him on *Monday* was sevennight; and that it was to communicate to him, by Order of their Court, the very same Proposition (as they told him then) which the King their Master had sent to M. *Barillon* by his Couriers of the 4<sup>th</sup>, and that he then told them, that the States his Masters would not go one whit lower in their Demands, than those the King our Master made; the Reason of his saying so was, he said, that he had, upon several Occasions, offered the *French* several Projects of his own Head, in Order to discover whether they, and the *Spaniards*, would be brought so near together, as that the *Dutch* might tell the *Spaniards*, *so much they must be content with, for that they are not able to procure them any more, nor to continue with them in the War any longer.*

M. *Barillon*, upon this or some other Supposition, having lately given out, that the *Dutch* would once have yielded to easier Terms than those his Majesty now insists upon for the *Spaniards*; the States having given Orders to him, M. *Beverning*, here, and to M. *Van Beuninghen* at Court, not to enter upon any Manner of Model upon their own Heads, but upon all Occasions to say, as he, M. *Beverning*, told the *French*, *that the King our Master having meddled so far in it, they, the Dutch Ambassadors, were to pretend nothing, but to see his Majesty satisfied in his own Way, or to that Effect.*

I find M. *Beverning* still perswaded, there is some great Intrigue between the *French* and the House of *Lunenburg*: M. *Oxenstiern* has lately told him, the *French* had made a Proposition to him, that the *Suedes* should quit the Bishopricks of *Bremen* and *Verden*, and that they should have an Equivalent for it, out of the Elector of *Brandenburg's* Estates in *Prussia*; but that he absolutely rejected the Proposition, as knowing the Crown of *Sweden* would never Part with their Interest in the Empire, where they are established in a Session and a Vote, besides other Advantages.

He and I speaking of the great Mind that *France* hath had of a long Time to the *Spanish Netherlands*, and how it appears in the Instruction of Cardinal *Mazarin* to the *French* Plenipotentiaries at *Munster*; as also observing how soon it repented the States of the Treaty of 1635 with *France*, whereby the whole *Spanish Netherlands* were to be shared between them; He told me, the *French* had since there coming hither made him a Proposition, and that in Writing too, offering to divide the *Spanish Netherlands* between the *French* and the *Dutch*; where you will please to observe, what Manner of Things there are, that pass between the Parties in War, without their Mediators being made privy to it: But of this Article, I humbly beg, since it was said in the utmost Confidence, that Use may be made of it, so as that it do not recoil hither again.

M. *d'Avaux*, in a Visit he gave me yesterday, was much upon giving the Reasonableness of the Proposition sent to M. *Barillon* by the Courier of the 4<sup>th</sup>, and said, that the Terms offered them now were

har-

harder than either of the Alternatives given them at *Aix la Chapelle*; but the sitting of the Parliament drawing so near, is that that seems to give them the greatest Trouble; and M. *Beverning* is of Opinion, that the breaking of the Measures they have in the Empire with the Electors of *Bavaria*, *Saxony*, and *Brunswick*, is a great Vexation to their Thoughts at this Time.

I found M. *Christine*, in a Visit I gave him yesterday, in a great Disquiet, least any other Place should be besieged; for he thought nothing in his Country able to resist the Torrent of the *French*, unless it be, that they have Hopes *England* will stand by them; in that Case, he said, rather than yield, they would hazard the utmost Extremities.

Just at Noon, M. *Blaspied* came to desire me it might be humbly represented to his Majesty, that the Elector of *Brandenburgh* hath a Pretension against *France* of Damages and Ruins to be repair'd in, to the Value of between four and five Millions of Crowns, which he suffered by the *French* in *Cleves* and other Places: This he desires may be laid before his Majesty, for that he is informed, both out of *England* and from the *Hague*, that the Method his Majesty proposes to himself is, first, To make a Peace between *France* and *Spain*, taking in *Lorain*; and then between *France* and the Emperor; and when that is done, between the *Northern* Princes; so that unless his Majesty may please to be advertised betimes of this Pretension of the Elector upon *France*, he possibly may take it for granted, that there is nothing in Difference between them, as there is not about any Territories or Places.

He desires that it may be observed likewise, that this is no new Demand; for the first Proposition of *Brandenburgh* against *France* in the first Article, the Reparation of these is demanded in general Terms, with Reserve to particularize and make it out, which these Ambassadors are ready to do with very sufficient Evidence. I am, &c.

*L. Jenkins.*

*Nimeguen, 14th Jan. 1677-8.*

*Right Honourable SIR,*

SINCE my last, which was of the 10th, I have the Favour of yours of the 5th Current, and am sorry to understand that there is Reason to fear that the Mail that brought the Letters of the 31st past from this Place may have come to some Misfortune; I hope to hear better News; however, I send you a Duplicate of the Dispatch of that Day, tho' there was nothing very material in it; but that I sent by it Copies of the *Plenipouvoir* and Propositions of the *Holstein* Ministers, with my most humble Supplication to his Majesty for his gracious Pleasure, whether I should move the *Dane*, I mean M. *Heugh*, and pass my Offices upon those Papers? The Reason why I beg his Majesty may be moved is, that I doubt M. *Heugh* may say, that his Majesty's Mediation is accepted only as to the Parties that are in War and their Allies, and not in this Difference, which he would have to be no other than a Domestick Affair; besides, I do not know but that the King of *Denmark* may, upon such an Occasion as this is, take a Pretext to fall upon the Duke and his Country, as an Ally of his Enemy, and treat him more coarsely than he hath hitherto; therefore that such a Step as this, is not to be made till his Majesty be fully informed what the Papers

Papers do import in them, and what Answer *M. du Crofs* has to give upon the Difficulty his Majesty himself put to him in the Beginning of *October* last, as appears by your Dispatch of the 26<sup>th</sup> of that Month.

LAST Night were with me *M. Oxenstiern* and *M. d'Olivenkrantz*, (the last returning to this Town on *Friday*) having taken an Hour of me with more than ordinary Solemnity; their Business was to tell me, that the King their Master having been informed by them from Time to Time, and particularly by *M. d'Olivenkrantz*, in the late Journey he made to wait on his King, of the great Care and Affection his Majesty hath upon all Occasions shewn the King of *Sweden* and his Interest, that King had ordered them, his Ambassadors, to declare to his Majesty's Ministers here, those deep Presentments of Thanks that King had of his Majesty's Friendship for him, as also the Desire and Longing he had to be able to make appear his Sense of Thanks, and Acknowledgment towards his Majesty.

HAVING done this Complement, they entered into a Discourse of the Apprehension they had of a Rupture between *England* and *France*, not upon any certain Knowledge, they said, of their own, but upon the common Report and Surmises at this Time. They said, it was extremely their Desire, and their Master's especially, that his Majesty might be so successful as to give a Peace to *Christendom*, and then *Sweden* would be safe; but in case Almighty God should think fit to continue these Calamities longer upon *Christendom*, and that *England* should enter into the War, it was their Desire to me, I would represent it in all Humility to his Majesty, that *Sweden* is not in the least necessary to the continuing of the War; and therefore that they hoped his Majesty would not have the less Friendship for their King, if *France* should happen to refuse the Terms that the King our Master offers them; for they, the *Swedcs*, desire no other than his Majesty's entire Satisfaction as to the Conservation of the *Spanish Netherlands*, and they should not be otherwise well pleased, if it were restored even to the Terms of the Treaty of the *Pyrenees*.

HIS Majesty, they suppose, must, if he come to a Rupture, enter into an Alliance with the Confederates, at least with some of them; and it is their Hope and humble Desire it may not be to the Prejudice of *Sweden*, who hath no Part in the continuing of this War. Besides, by *M. Sparr's* Treaty with *France* of the Year 1675, they, the *Swedcs*, are at Liberty to give over the War, whenever the Treaties of *Westphalia* are restored to their entire Force; therefore they hope his Majesty will find a Way to take them out of the Difficulties they are now in, tho' he himself should break with *France*. This was the Sum of their Discourse last Night, as far as I could remember it.

*M. Oxenstiern* had been with me on *Thursday*, to speak of the gracious Expressions his Majesty had used very lately to Sir *John Leynbergh*, wherein his Majesty was pleased not only to assure him that he would take Care of the King his Master's Interests in this Conjunction, but also that he would send the King of *Sweden* an Account of what passed, as soon as it should come to Ripeness.

*M. d'Olivenkrantz*, on *Friday* as he came to Town, lighted at my House before he went to his own; and speaking of the Affairs of this Conjunction, and how little affectionate *France* is to them, and what Intrigues it is supposed to have with some of those that have conquered upon them, he let fall an Expression, which I submit to your Interpretation, when you will have compared it with the Discourse of last Night;

Night; it was, that if *England* do break with *France*, then they, the *Swedens*, cannot possibly continue in the War.

IN that Conversation he told me, it was his Hopes to have returned hither by the Way of *England*; it happened by the Negligence of the Governor of *Gottenburg*, that he miss'd that Opportunity; but it depends, as he told me, upon some Answer he expects out of *England*, whether he make not yet an Excursion thither from this Place.

ON *Saturday* he told me, that M. *Colbert* had taken some Pains to convince him of the Reasonableness of those Propositions that *France* made, and that *Tournay valoit bien une guerre*; tho' M. *d'Olivencrantz* spoke himself to be of Opinion, that if *France* should break upon *Tournay*, all will judge it is because it intends to begin the War again 'ere long, and therefore would not miss a Place to enter into the Heart of the Country.

He told me then likewise, that *Lilliroed* came over with him in his Way to *France*, that they met with his Passport from the States, and Duke *de Villa Hermosa* at *Amsterdam*, and is gone thither in all Diligence; that he hath Orders to press the Peace, and shall by the next Post receive the best Reasons they are able to give him hence, for to persuade the *French* Court to accept it.

He intimated that M. *Lilliroed* had been sent to the King our Master's Ambassador there, as being a Person that hath been long acquainted with the *French* Court, and instructed for the same Ends by Mr. *Montagne*; only there happens to be a little Embarrass in the Way, which the King of *Sweden* will very suddenly take off by express Orders (M. *d'Olivencrantz* having been fully heard upon the Point); which is, that he will conform himself to the Stile of *England* and *France*, and being no more but *Envoy Extraordinaire*, will have Orders not to pretend the Hand and the *Pas* of Ambassadors in their Houses. He, M. *d'Olivencrantz*, took Leave of his Master the 15<sup>th</sup> of *November*, at the Camp before *Christianstadt*; so that nothing can be new of what he says, that they had block'd up *Christianstadt* with two Camps, the one at that Distance from the other, that they could not hinder single Persons from going in in the Night-time, but that they did hinder all Succours of Men or otherwise; and so they are in a Posture about *Landscroon*, to prevent all Incurtions of that Garrison into *Schoonen*.

ON *Saturday* the Bishop of *Gurck* favoured me with a Visit, which was more than ordinary long; his Design, I guess'd, was, to penetrate what the Terms are, that his Majesty and the States General are agreed upon in order to this Peace; he being informed from the *Imperial* Minister at the *Hague*, that Mr. *Thynne* brought over a Treaty, that hath been since agreed and signed on this Side, but not yet communicated by the States to their Allies.

HAVING no Manner of Satisfaction from me in this Point, he entered into a Discourse of the little Likelihood there was that this Peace would be lasting.

First, FOR that *France* would do by it, as it did by those of *Pyrenees* and *Aix la Chapelle*, breaking the first (in the Affair of *Portugal*) the very same Day it was sign'd.

Secondly, THAT *France* works so deep by its Practices in most of the Courts in *Christendom*, that there are no Hopes of making any Alliance or Guaranty, that will hold and be effectual to the maintaining of this Peace if it be made; he gave an Instance how *France* had the Art to lull the Emperor and *Spain* asleep with Proposals that were plausible, at

that very Time when the War was made upon *Holland*. And said moreover, that the Emperor is at no Time secure, but that *France* may bring in the *Turk*, in order to find him Work more than enough.

*Thirdly*, THO' the Barrier should be obtained, as 'tis now proposed, taking in *Tournay*, *Valenciennes*, and *Conde* into the Bargain, yet *France*, in the Condition it is now in, will be able in a Manner to swallow up that Country, as it is without Possibility of Resistance; besides that, *Spain* will at last grow weary to maintain a Country that is so great a Burthen to it, and think of imploying those Treasures that are sent thither, in some other more advantageous Way, unless it may be reduced to the Conditions it was formerly in, of subsisting itself.

THE Difficulties and Dangers of the War being objected to him as the other Extream, he did not seem to apprehend them to be so great; for,

*First*, HE thought the *Germans*, if not diverted or overborn by the *Turk*, will give as good an Account of their National Valour as the *French* have done, and will be able to make Head against them; they have shewed themselves a Match to the *French* all this Summer long, and bating the Misfortune of *Friburg*, the Marquis *de Crequi* found himself obliged to respect the *German Army*; inso much that M. *Colbert* complemented him, the Bishop, upon the Valour of both Nations, as equal in the Business of *Cobersberge*.

*Secondly*, THAT the Force of these States, both by Sea and Land, was, as it were, the other Arm of this Confederacy, and was considerable in Proportion; and that if *England* did come in, *France* should find itself extreamly overmatch'd; he making little Doubt of this last, being informed that *England* armed very powerfully both by Sea and Land.

*Thirdly*, THE Sinews of War being Men and Money, it is visible that *France* would not have Recourse to *England*, *Switzerland*, *Portugal*, and *Italy*, for Recruits, with that Application that it hath done these Years past, but that the *French* do fail apace. And for Money, if *England* break with them, then the Vent of their Wines, and other Commodities of their Growth, (which are their *Indies*) will fail them; and that it will be so, he hath one Argument he saith more, which is, that in *England* they hearken after the Means of opening the *Rhine*, which is very feasible, and would bring *Rhenish* Wine at much better Rates than any *French* Wine is.

BEING told of the Possibility there was of some of the Parties changing Sides, and new ones declaring themselves, he was of Opinion, that in that case the Confederates would not only be safer than now they are, but draw more Advantages than now they do from such half Friends.

THIS Discourse being spun to about two Hours long, made me reflect much upon what M. *Blaspiel* had told me, that some of the Allies complain very much of the Mediation, that they do not acquaint them with what passes; and what M. *Petcum* told me, (all three within the Compass of this Week) that they, the Allies, are silent towards them, the *Danes*: And I submit it to you to judge, whether any Peace that can be procured for that Party, as Things now stand, will please them; and if it come to their Turn here to have a Vote in it, they will not rather put it back than forwards.

M. *Somnitz* on *Saturday* made a solemn Profession to me, that the Elector his Master desires nothing but to be secure in his Estates; that he had not undertaken this War to enlarge his Territories; that the Prince of *Orange* told him, M. *Somnitz*, when he was lately at the

*Hague*,

*Hague*, that his Majesty had a special Care and Concern of the Elector; and therefore that he desired me most humbly to represent to his Majesty, that the Elector's Confidence is perfectly in his Majesty's Care and Protection. I am, &c.

L. Jenkins.

*Nimeguen, 17th Jan. 1677-8.*

Right Honourable SIR,

SINCE my last, which was of the 14th, I have not any from you to acknowledge.

ON *Tuesday* M. Hengh took an Hour of me, to acquaint me with the Orders he had lately received from his Court, touching the Passage of the *Swedish* Letters, to this Effect:

THAT whereas the first Orders of the King of *Denmark* were, that his Ambassadors here should insist to have the *Reciproque* for the Letters of that Court into *Norway*, now they should desist wholly from that Demand; and so from another Article, which was, that this Liberty to the *Swedes* should last but for six Months Time, and that in lieu of these two Points, no more should be demanded of the *Swedes*, but to give it in Writing under their Hands, that they will not make Use of this Liberty for the Conveyance of any Letters, but those that shall relate to the Negotiation at *Nimeguen*. He told me, the King his Master was come to this Resolution, because of the Likelihood there is, that there may be Propositions and Overtures of Peace put to them by his Majesty's Mediation ere it be long.

YESTERDAY I communicated this Resolution to the *Swedish* Ambassadors, and they have taken Time to deliberate upon it, and to give me their Answer.

M. Colbert, in a Visit he gave me on *Tuesday* Night, entered presently into a Discourse of the Breach that the Allies do expect will suddenly be between *England* and *France*: He spoke largely,

First, OF the Uncertainty of War in general, and of the little Possibility there is of the *English* to be able to sublist, much less to do any Thing considerable in the *Spanish* Netherlands, especially if the *French* can get but two Places more than they have in it.

Secondly, OF the Unreasonableness of expecting, that the *French* should part with *Tournay*; and he is confident there is no Man in the Council of the King his Master, that dares advise him to hearken to any such Proposition, and would be presently turn'd out if he did it.

Thirdly, OF the many great Things he is willing to restore to the *Spaniards* and the Duke of *Lorain*, and if he restored more, he would not be able to answer it to God and his own Subjects, if after the spending of so much Blood and Treasure, he retain no more of what is fallen into his Hands for the Security of his Frontiers.

Fourthly, OF the Change that may be between the Parties themselves; *Bavaria* may declare, the House of *Brunswick* being extremely dissatisfied with the Emperor, may come over to them, and there may be suddenly great Changes in *Flanders*, (for ought he knows) by the Revolt of some great Towns there, and their yielding themselves up to the King his Master.

Fifthly, OF the Jealousies that we have at Home, and the Uncertainty that the Parliament will continue always in the same Disposition for giving of Money, when they find the War to be long as well

## 284 *Letters from the Embassy at Nimeguen.*

as chargeable, and of the clashing they may come to with the Regal Authority, both by pretending to inspect how it is spent, and to name Commanders, or at leastwise to recommend them for the War. These were the Heads upon which his Discourse ran, mingling very much with it the present Vigour that is in the Counsels, and Arms of *France*. He wish'd himself very much in *England* for some little Time, and doubted not but his Majesty would hearken to him very graciously upon this Subject; but that which seems to trouble him most is, that the *Spaniards* and the States General would, he is sure of it he says, be content with the Places that were talk'd of in *September* last, and would accept of a Peace with having either *Tournay* or *Valenciennes*; that they might have made the Peace with them upon those Terms last Summer; and that this Difficulty about those two Places and *Conde* arises only from us in *England*.

I wish there may not be some Artifice in throwing the Odium of refusing the Peace upon us; for I hear it is given out, that the States General have resigned themselves wholly to his Majesty's Determination; and that whatever Peace he shall think fit to accept of, it shall please them.

THE Bishop of *Gurck* told me last Night, that here is a Report in Town, (it is said to come from M. *Van Beuninghen*) that the Parliament was to be prorogued from the 15<sup>th</sup> to the 18<sup>th</sup>. I had met with it before, and it is in every Body's Mouth, but I perceive it puzzles the Allies not a little. M. *de Gurck* says, the League offensive and defensive between *England* and *Holland* is a Thing certain; but the States have excused themselves to the Ministers of their Allies for giving them Part of it till the Ratifications be exchanged.

M. *Cannon* did me the Honour from the Duke his Master, as he said, to acquaint me on *Friday* last, with the Duke's being upon his Journey for *Vienna*, in Order to finish his Marriage; telling me, that the Duke had written a Letter to his Majesty, to give him notice of that Voyage; but M. *de Gurck* was not certain last Night, that he was yet gone, the Hurt from his Fall not suffering him yet to put himself upon such a Journey. I am, &c.

*L. Jenkins.*

*Nimeguen, 21<sup>st</sup> Jan. 1677-8.*

Right Honourable SIR,

SINCE my last, which was of the 17<sup>th</sup>, I have the Favour of yours of the 11<sup>th</sup> to acknowledge; and therein his Majesty's gracious Pleasure, whereby he dispenceth with that Point of his former Orders, for us to except against Count *Antoine's* intervening and assisting at the Meetings of the Allies, where we should happen to be present; the Points of the first Notification and Revizits resting still as they were. I shall not fail, God willing, to keep close to the Letter of his Order, as to what remains yet in Dispute.

ON *Thursday*, the *Swedish* Ambassadors were with me, to tell me, they would accept of the Temperament the *Dane* is come to about the Passage of their Letters. I have been with M. *Hengb* twice since, about a Minute of a Passport for the *Swedish* Couriers, and to shew him the Act that the *Swedish* Ambassadors are willing to give under their Hands, that they will not use that Liberty but in Order to the Negotiations of this Place. I have a Minute from him, but he took

took some Exceptions at that Act, as not full enough; but I hope at last the Thing will have a good Issue.

ON *Friday*, here was with me M. *Beverning*, to give the Copy enclosed of M. *de Louvois*'s Answer to a Letter that the *French* Ambassadors had written to him, upon the Offices I had passed about having the Prisoners taken at *Mont-Cassel* set at Liberty, they paying their Ransom, according to the Cartel agreed three Years ago between both Nations. It was a Wonder to him, he said, to find them at this Time so fair in *France*; having made several Cavils heretofore at that Cartel, and refused to execute their Part of it.

I did not expect to have received the Communication of this Answer from him, the natural Method being, that the *French* Ambassadors should have given it me, since the Instance I made to them gave Occasion for that Answer; however, they chose to carry it themselves directly to M. *Beverning*.

He told me, he had been at them several Times, to agree the Treaty of Commerce; and hath offered them several Changes in his Project, but hath not been able to fix them to any Thing; that M. *Colbert* and M. *de Louvois* have been lately several Times . . . . . that M. *le Tellier* hath taken M. *Colbert*'s Part against his own Son, who, when M. *Colbert* alledg'd that the People of *France* would not be able to bear the Burthens they are under, would needs maintain there would be Ways found to make them do it.

M. *Beverning* went from me, as he said, to M. *d'Olivenkranztz*, to satisfy him in a Point that the *French* Ambassadors give out here with some Industry; they say, that the Proposal of a Cessation of Arms for twelve Months was come from his Majesty to their Master, but he, M. *Beverning*, had a Letter from M. *Beuninghen*, to shew him, that this Proposal was come from *France* to his Majesty, and that his Majesty desired no more than three Months Time for a Cessation.

IN this Conversation with M. *Beverning*, I understood that a Courier, who arrived on *Thursday* last at nine at Night, came to him; he told me so himself; but nothing at all of the Occasion upon which he came.

YESTERDAY M. *d'Acaux* told me the News of *Rugen*, as being, he said, much the more pleasing to him, and that he was perswaded, it would contribute much to the Peace; they have Letters, he said, from M. *de Rebenac*, (M. *de Feuquier's* Son) that was in the Action: He writes, that the *Swedes* having gain'd the *Danes* Cannon, (being eight Pieces) had turn'd them upon them, and quite broken the Foot; that 2000 *Danish* Horse were retreated to the Corner of the Island, and they were pursuing them, and in the Close of the same Letter he adds, that these Horse had all rendred themselves at Discretion.

M. *Ulken* has likewise the Particulars much to the same Effect; he says, they fought from eight a Clock till two; that there are about a 1000 kill'd, it seems those were *Imperialists*, for so M. *d'Olivenkranztz* represents them to be; and that they refused Quarter: All the rest upon the Island (about 500 in all) being made Prisoners to a Man.

BEING with M. *Hengb* last Night about the *Swedish* Letters, he did not take notice of any Thing of this to me. He told me some *Brussels* News, as that Mr. *Godolphin* does not pursue his Journey into *Spain*, as was at first talk'd of; but is gone back, having it seems dispatch'd the Business he was sent upon with the Duke *de Villa Hermosa*;

but



but that which he said of the Count *Tuentes* is something strange; that having formerly refused to hasten his Journey into *England*, he would now have gone in all Diligence, in Hopes that Affairs may be there more favourable for his Court, but that the Duke *de Villa Hermosa* desired him to forbear for some Time; supposing, as M. *Hough* thinks, that the *Spanish* Affairs there are already in a good Hand; however, M. *deTuentes* taking upon him to go to *Antwerp* about Business, would have given him the Slip, and pass'd over into *England*; but that the Duke sent after him, and let him understand, that he must not think of going; and if he did, he should find himself utterly disappointed; thus M. *Hough* tells this Story: But *Don P. Ronquillo's* Secretary hath said, that he had taken his Journey in Disquiet, and was actually seized on by a Party of 50 Horse between *Antwerp* and *Murdayke*.

I took leave to tell you some Time since, of the Letters coming sometimes faster by the Way of *Amsterdam* to this Town, than by the *Hague*, we had an Experiment of it last Night; M. *Ulken* shewed me a Letter last Night of the 15<sup>th</sup> from M. *de Crois*, advising that the Parliament is prorogu'd for a Fortnight; this Letter he receiv'd at Noon, being come under the Covert of M. *Oxenstiern* in the *Amsterdam* Bag. I do not expect ours should come till the Extraordinary arrives, that is to carry to the *Hague* the Letters of this Day, which will be between three and four this Afternoon; so these Letters have the Start of ours by between twenty four and thirty Hours.

ALL that I can learn of this Business yet is this; that there is a Capitulation, whereby the Town of *Amsterdam* is to have the Letters addressed to that Town delivered in the Letter Office at *Amsterdam*, as soon as any other Town whatsoever (tho' never so near the landing Place, as *Rotterdam* and the *Hague* are for Instance to the *Brill*) have their Letters delivered at their Office; if so, our Letters that go in the *Amsterdam* Bag, are as soon, if not sooner there, as those that come directly hither by the Way of *Utrecht* are at *Alphen*, (which is the first Stage) but of this Capitulation, M. *Fagel*, the Pensioner's Brother, our Burgomaster and Postmaster here, does not own to know any Thing: Nor how it comes to pass, that the Courier from *Amsterdam* makes better speed hither, than he that comes from *Utrecht*. Nay, says, he has been at *Amsterdam* to inform himself of this Matter, but has not been able to do it.

ALL that he says is, that the *English* Letters come not at all at the *Hague*, but are sent by an Express to *Alphen*, where the same Post changes Horses, and brings them as far as *Utrecht*; from *Utrecht* there come two Couriers extraordinary; the one at Noon upon *Wednesday*, the other on *Thursday*, to take our Letters, and carry them to the *Hague*; the other on *Saturday* at *Utrecht*, and arrives here on *Sunday*; so that when our Letters do not come in to *Utrecht*, by the Way of *Alphen*, before the extraordinary Packets, they must lie there till the next Ordinary comes, which is on *Friday* or *Tuesday* Night respectively; so that it is a meer good Luck of a Supernumerary Extraordinary coming by *Utrecht*, if we have those Letters of the 14<sup>th</sup> this Day, that came yesterday to Hand by the Way of *Amsterdam*, and be not forced to stay for them till the Ordinary brings them on *Wednesday* Morning. I remain always, &c.

L. Jenkins.

*Postscript.*

*Postscript.*

NOW it is within half an Hour of the Extraordinary's going for the *Hague*, I do not (there being no supernumerary come in) expect your Letter of the 15<sup>th</sup>, till *Wednesday* at 9 in the Morning.

*Nimeguen, 24<sup>th</sup> Jan. 1677-8.*

Right Honourable SIR,

WHAT I told you in my last (which was of the 21<sup>st</sup>) touching the *English* Letters of the 15<sup>th</sup> Current, is too true; those that went by *Amsterdam* were delivered here *Sunday* at Noon the 20<sup>th</sup>, those that came strait here stuck so long by the Way, (at *Utrecht* it seems) that they were not delivered here till yesterday the 23<sup>d</sup> about 9 in the Morning, that is three Days later upon the Point one than the other: But to make me some amends, I had not only the Favour of yours of the 15<sup>th</sup> yesterday, but another of the 18<sup>th</sup>, (this last coming as fast as it uses to come) for both which I most humbly thank you.

COMPLAINING of this loitering of our Letters by the Way, as I did to M. *Van Haren*, (who return'd hither the Beginning of this Week) he says, the States themselves are often serv'd so at the *Hague*, and merely because of the Advantage that *Amsterdam* hath got to itself, to have its Letters delivered at the Letter Office as soon as *Rotterdam* or any Town whatsoever; so that truly I think it would not do amiss, to make some Trial by the Way of *Amsterdam*.

THE *Mecklenburgh* Minister was with me on *Monday*, and delivered me a Letter from his Master, with the Supercription I told you of reform'd: He has a Pretension to be eased of a Toll, that the *Swedes* do impose in his Town of *Warnemund*, as well as to be repaired of the Damages he has suffered by the War; that Business of the Toll turns upon so many Hinges, that I desired him it might be digested into a Memorial, which, when it is brought me, I shall not fail to send it you, and the rest of his Papers.

HE told me, the Duke of *Hanover* hath a Gentleman here to look after his Affairs: His Name is *Villars*, he is a Major of Horse, but has no Character, nor does he pretend to Business; but for the Return of M. *Muller*, he says there is no Certainty of the Time, only he expects him (being his Brother-in-law) to be here ere long, and so he does the Baron *de Platte*, who is the Minister

I do not now trouble you to give an Account of my little Negotiation at present between the *Dane* and the *Swede* about their Letters; they are both of them scrupulous upon little Matters; when we come to a Point, I shall take Leave to give you an Account of the whole. M. *Heugh* having taken an Hour with me on *Tuesday* about that Business, entered into a Conversation of the Hopes and the Fears all Men are now in touching the General Peace; and therein took Occasion to complain downright of the States General, for their entering into a Treaty with *England*, about the Affair of the Allies, and by Name those of *Denmark*, without any the least Communication with the King his Master, or his Ministers in it. He acknowledged, that they, the *Danes*, had not the least Thing to except against the Proceedings of *England*, as to their Part of the Treaty; but that they had a Tie or Obligation upon

upon the United Provinces, which they ought to have better regarded and observed than they have done.

THIS was his Complaint; and I am told, M. *Meyercroon* was lately at the *Hague* much louder upon the same Subject; complaining how the Allies, especially his Master, had no Communication of what passed between the Crown of *England* and this State; but the Pensioner *Fagel* wanted not a Reply that was able to silence any modest Man; it was, that the King of *Denmark* had made Treaties relating to this War, and the carrying of it on, since his Engagement to the States, and a long while ago; but that they had no Communication of what that King had done to this Day: This, I suppose, relates to what I told you some while since, of a Complaint M. *Beccerning* made to me, of the *Danes* entring into secret Measures with the *Brandenburgher*.

NOR is M. *Heugh* the only Party that is dissatisfied, for it was to me very visible, in a Conversation I had last Night with M. *de los Balbaces* and *Don P. Ronquillo*, that they are dissatisfied in that they do not know to this Day what hath passed between *England* and *Holland*.

BUT they two, if I guess rightly, have another Head of Dissatisfaction, that is, that Mr. *Godolphin* hath made a Journey to *Brussels*, and not to them, upon Supposal that his Journey is upon the Conditions of the Peace; but *Don Pedro* is willing to believe, that it is rather to demand some cautionary Place (he named that of *Ostend*) for his Majesty; and in that case, he said, the giving of such a Place cannot be consented to, but the Treaty between *England* and *Holland* must be first communicated, that they, the *Spaniards*, may judge how far it tends to the Preservation of their Country.

LAST Night M. *Colbert*, in an ordinary Visit I gave him, did me the Favour, in the Process of our Conversation, to read to me the greatest Part of M. *Barillon's* Letter of the 15<sup>th</sup>, that adviseth the adjourning of the Parliament; the Letter, as he read it out of Cypher, spoke something of Hopes, rather than Fear, from that Accident; it was a Trouble to him, M. *Barillon*, that his Majesty had told him, he was resolved to recal the *English* Forces: He seem'd to disown that M. *de Ruzigni* had any Commission for Business, as is given out on that Side; but he referr'd these Ambassadors to the more certain and quicker Advices touching the Peace, that they have directly hither from their Court.

M. *Colbert* seem'd to be troubled likewise at the recalling of the *English* Forces, as a Thing somewhat boding, and of an ill Aspect; but says, they had no Letters from their Ministers on *Sunday* last; and that the private Letters speak more of Hopes than otherwise: This I observed him to aver with Earnestness; that the *Hollanders* would willingly accept of a Peace, upon the same Terms that *France* now offers it at this Time to his Majesty: I doubt not there is Care taken on that Side to undeceive People in that Point.

He seem'd not to be ill pleas'd, that the Ministers of the Allies, as well those at the *Hague* as those at *London*, are still in the dark as to what passes; and as much, if not more dissatisfied, as the Ministers of *France* are, in that all Things are kept secret from them; and that they cannot penetrate into any Thing of what his Majesty projects within himself. I am, &c.

*L. Jenkins.*

*Nimeguen, 28th Jan. 1677-8.*

Right Honourable SIR,

HAVING not the Favour of any from you since my last, which was of the 24th, I have not much to write, there having nothing of Moment intervened.

UPON *Thursday* I passed my Offices with the *Spanish* Ambassadors upon the Duke of *Anguien's* Memorial, which goes herewith, together with the Contract of Marriage, King *Casimir* of *Poland's* last Will, and the Princess *Palatine's* Renunciation of that Executorship. The *Spaniards* said no more of it, but that they would write of it with the first Conveniency to the King their Master.

THE *French* do treat the Communication, that they say his Majesty's Ambassador Mr. *Montague* made to their King, of the King our Master's new Alliance with the States, and also of the Demands he is said to have made, that the *English* Forces be sent back, with their usual Heights; and the general Opinion here now is, that this will end in a Rupture.

M. *Beverning* told me last Night, he had but some Hours before received a Letter to that Effect from the Pensioner; and it troubled him the more, he said, if the War should be continued, where the Thing in Difference between his Majesty and *France* is (as he had understood by M. *Cannon*) within so narrow a Compass; for *France*, as M. *Cannon* reports it, comes at last to be content, not only to part with *Valenciennes*, but to yield up *Tournay*, upon Condition it be dismantled. Hereupon his Reflexion was, that unless *France* should provide by Article, that it should never be fortified again, a Million of Florins would go near to make it as strong as it is at this Time; and then, said he, what a sad Thing it would be, to continue so universally ruinous a War, upon a Difference so inconsiderable; especially since his Letters from the Duke's Ministers at *Madrid*, and the Speeches of the *Spanish* Ambassadors here, do sufficiently witness and convince him, that *Spain* will readily accept of any Peace that *England* can procure them, rather than continue the War. For they, the *Spanish* Ambassadors, do, he said, value themselves upon the Arguments they use against the *Imperialists*, who seem to incline strongly to continue the War; they remind the *Imperialists* of their great Want of Money, even in the most pressing Occasion; witness that famous one before *Philipsburgh*, when the Duke of *Lorain* was forced, out of his own private Purse, to encourage and reward those that would, and did attempt upon the Fireships of the *French*, without which 'tis certain that Design would not have taken Effect; and there were not so much as a few Rix-dollars, but what the Duke of *Lorain* had in the *Imperial* Army, to bring Men on at such a Pinch.

ANOTHER Thing was, the *Spaniards* have put the Case to the *Imperialists*, and ask'd them, how the Emperor and *Spain* would be able to carry on the War, if *Holland* should do no more for them than they are bound to do by Treaty; that is, furnish their Quota with 13000 Men, and then leave them to shift for themselves.

THUS he says the *Spaniards* do reason; and I must confess I think it is no more than just in Respect to the *Imperialists*; for in the Conversation I had on *Saturday* with M. *Kinski* and M. *Stradisman*, they seem to incline to the continuing of the War at all Adventures,

tures, and be in Disquiet for that the Parliament is adjourn'd; their great Reason is, they expect that such a Peace as this, will be broken within a Year or two; and in the *interim*, the Intrigues of *France*, in the several Courts of *Christendom*, will have render'd it impossible to get together again such a Force, as there is now on Foot to oppose it.

M. *Beccerning* does not declare himself so much for a Peace, but M. *d'Olieukrantz* (who gave me the Favour of a Visit last Night) seems to be much more: He says, (as M. *Beccerning* does at every Turn) that a Town or two, more or less, should not so break Squares, as to put us out of all View, and out of all Hopes of a Peace. He hath, he says, Domestick Reasons that work with him; for besides the present ill Condition of their Affairs, there is not one Man, he says, that advises *Sweden* to enter itself into this War; he hath been ever since unprosperous in his Undertakings, and disgraced with his King: The great Instance he gives, is in the Chancellor of *Sweden*; he named M. *Tott* and M. *Sparr*; and General *Wrangel* in his latter Days, for at the Beginning he was right, and all along till he had touched the *French* Money.

M. *d'Olieukrantz*, in his Conversation, fell into a Discourse of the breaking up of this Assembly; he thought no other Prince or State that should undertake the Mediation, (he named *Portugal* and *Venice*) would be able, if this Assembly were dissipated, to get together such another.

He said it was a Reflexion that himself and his Colleague had made upon the Rupture, if it should happen between *England* and *France*, that they, the *Swedes*, are not so strictly tied to *France*, but that they are at Liberty to stick to, and make Use of his Majesty's Mediation in what concerns themselves, with those that have dispossest them in *Germany*, notwithstanding the War that may be between *England* and *France*.

BESIDES, they the *Swedes* have a Necessity of having a *Protestant* Mediator; for that they suspect *France* may have a Design upon the Religion of their State, to have it changed, in Complaisance to what the Court of *Rome* hath press'd *France* upon that Point. And he thinks *France* is under a Promise to alter some Things in the Treaty of *Westphalia*, that are in Favour of the *Protestant* Religion; because the See of *Rome* does to this Day impute it to them, the *French*, that the *Protestants* there have had so good Conditions.

M. *Heugh* was with me late last Night, and appeared to be in a great Affliction for a Brother of his Wife's, his Name is *Kraugh*, who living it seems in *Schoonen*, has had his Process made by the *Swedes*, and the Sentence of Death pass'd upon him, and is to be Executed, as having been an Accomplice with the *Snaphans*, that is, it seems, the *Paisans* of that Country, that retire into the Woods, and kill any body indistinctly, that come in the Places they way-lay.

M. *Gioe*, he tells me, hath already moved his Majesty, for his Intercession to the King of *Sweden*, for Respite of Execution. His Majesty's Answer was, as M. *Heugh* represents it, most gracious; and it is upon the Effect and Dispatch of it, that all M. *Heugh's* and his Lady's Hopes do depend.

It was M. *Heugh's* Desire to me, that he may be laid low at his Majesty's Feet, as one that always hath had a Zeal here, and will have it every where else, to pay his Veneration to his Majesty and his Service, whosoever it may be accepted: That which he begs is, the Benefit of his Majesty's most gracious Declaration, unless M. *Gioe* hath already had it; for if Execution be respited, and the Sentence reviewed, he doubts

doubts not but his Brother-in-law will be able to purge himself, and prove innocent. *M. d'Olivenkrantz* (who, it seems, hath look'd something into the Business) acknowledging as much, and hath done the utmost good Offices he was able to do, by writing to his Court in his Favour. It is certain, that *M. Heugh's* Lady, having not heard of it till within these three or four Days, is in a very great Agony, (the Ignominy of such a Death wounding Persons of that Quality beyond any Accident of Life whatever) and she and her Husband do singly and absolutely rely upon his Majesty's Royal Goodness, to relieve them in these sad Circumstances. I am, &c.

*L. Jenkins.*

*Nimeguen, 31th Jan. 1677-8.*

*Right Honourable SIR,*

SINCE my last, which was of the 28th, there hath scarce any Thing occur'd here that can be worth your Notice, nor have we any Letters out of *England* since those of the 18th.

I have had several Conversations with Messieurs *Heugh* and *Petcum* relating to the *Swedish* Letters, but have not been able to obtain more of them than their Promise, that they will bring all the Facility in their Power to that Affair. *M. Petcum* I find always favourable to it; upon the Reason of the Thing; I mean, that those who come to treat a Peace, as he is, should have the Liberty of free Recourse to their Master: *M. Heugh* is very much softened with the Sense he hath of *M. d'Olivenkrantz's* good Offices, lately done in Favour of his Brother-in-law in *Schoonen*. I expect the final Resolution of that Embassly some Time this Day, but fear it will not be such as the *Swedes* will close with.

*M. Heugh* was earnest with me, in a Conversation I had lately with him, to know what the *Holfstein* Ministers, who are now here, would be at. He would needs take it for granted, that that Duke would fain enter here as an Ally to one or more of the Enemies of the King of *Denmark*; but I maintain'd the quite contrary as well as I was able, and that he desired to be admitted into these Treaties, *First*, As a Prince of the Empire, that had Interest in the Treaties of *Westphalia*. *Secondly*, As Duke of *Sleswyck*, who had the Sovereignty of that Dutchy vested in him by the Treaties of the *North*; and consequently, had a Right that those Treaties respectively should stand entire, at leastwise as to his Interest, he, the Duke, having not on his Part transgressed them in the least.

To this *M. Heugh* objected, that the Duke had renounced all that had accrued to him by the Treaties of the *North*, and that in a solemn Manner, in the Agreement passed between him and the King of *Denmark* at *Rensburgh*: This gave me Occasion to tell him, that the King of *Denmark* being one of the Principal Parties in that Agreement, and insisting that it should stand and be made good; that, on the other Side, the Duke of *Holfstein* being the other Party, and alledging it was a meer Force and Violence that brought him to subscribe that Agreement; he, the Duke, appeal'd to his Majesty's Mediation, and desired, under the Protection of it, to be introduced into this Assembly; which may debate and determine, whether or no it be not against Reason, and against the Law of Nations, that the King of *Denmark*, being Party in the Cause, and pretending to divest the Duke of the Sovereignty of *Sleswyck*,

given him by several Treaties, should be judge at the same Time how binding those Treaties first were; and how valid, or rather void, that Renunciation was, that he, the Duke, signed, under a visible Force both upon himself, upon his Forts, and upon his Subjects, in all the Parts of his Dominion.

HEREUPON M. *Heugh* appeal'd to the several Letters the King our Master had written to the King of *Denmark* upon that Subject; and when I told him, the Thing depended at this Time before his Majesty, what Orders he would please to give me, for the passing or not passing of the Offices of the Mediation upon the *Pleupouvoir*, and the Propositions of the Duke of *Holstein*; he was pleased to promise to himself all Favour to the King of *Denmark*, for that *first*, it was a domestick Affair, that the Agreement of *Rensburgh* hath already been decided in the fullest and clearest Manner possible. *Secondly*, For that his Majesty had not interposed his Offices, that he, M. *Heugh* knew of, with the King of *Denmark*, but in Matters only relating to the Parties, either Principal or Allies in this War. *Thirdly*, That what pretended Advantages soever accrued to the Duke of *Holstein* in the Dutchy of *Sleswyck*, it was in a Time that was most sadly calamitous to the last King of *Denmark*; and that it would never have been so, but that the Usurper *Cromwell* did carry it on with the highest Hand imaginable, because of the King of *Denmark's* Affection to his Majesty. In the Interim, I expect every Moment his Majesty's Pleasure, what I am to do by Way of Office upon the *Holstein* Papers; for sure I am, there is nothing I ought to decline more indusiriously, than the intimating that the Duke pretends to enter here as an Ally, either of *Sweden* or of *France*; M. *Heugh* discovering to my thinking, by his saying, that from the Pretensions of that Duke, they, the *Danes*, are to take their Measures for further Security; that if he declared himself an Ally to any of the Parties in War, they, the *Danes*, would go near to think themselves to have a sufficient Right to finish his Ruin.

THERE has a single Letter come hither from *Amsterdam*, dated on *Saturday* the 26<sup>th</sup>, whereby it is said, that the Parliament was to be prorogued from the 28<sup>th</sup> now past, to the 11<sup>th</sup> of the next Month, that is a full Fortnight longer; you will easily imagine, what Disquiet this raises with the *Imperialists* and *Spaniards*, who promise to themselves, that the Letters which are to come hither on *Friday* next, and to bring us the Proceedings of *Monday* and *Tuesday* last, will bring along with them our declaring of a War against *France*.

THE *Spaniards* say, tho' Mr. *Godolphin* hath been much made of at *Brussels*, yet that he went without that which he came for; that he demanded *Ostend* for a cautionary Town to his Majesty; and that the Governour of the *Low-Countries* offered him *Newport* and *Dixmuyde*.

THE *French*, on the other Side, amongst other Arguments, discourse, that his Majesty must needs come to a Rupture; and they use also this, that his Majesty will not know well how to refuse it, since it is glorious for him to enter into the War at this Time, being to have the *Brill* from the *Dutch*, and *Ostend* from the *Spaniards*. I cannot say, that this comes either from the *French* or *Spanish* Ambassadors, but it comes from some of their principal Domesticks; and tho' I know you have all these Particularities in the fullest and clearest Light they are capable of, that is in a Certainty whether it be so or no; yet I cannot forbear to give you Part of this that passes, because it governs the Board here, and is the Subject Matter of several serious Advices, and politick Reflexions to the several Courts concerned.

JUST now M. *Heugh* calling upon me, in Order to adjust the Difference between him and the *Swedes*, touching their Couriers, he tells me, it is the Speculation of some here, that they in the *North* are in a fair Way to a Peace: If the General Peace be made, they will be sure to be taken in; and if it cannot be General, but that *England* must enter into a War, and *Holland* continue in it, it will be in that Case their Interest to bring (as they may easily do, being joyn'd together) the *Northern* Powers, whether they will or no, to acquiesce in such a Peace as his Majesty and the States General shall think reasonable to prescribe them; for that being done, they may have the Use of all the *Northern* Force to be employed against those that shall refuse the Peace.

THE *Friday* Letters that came in this Day to the *French*, are reported to have nothing new in them, that King's March being not then resolved; but the *Brussels* Letters make *Mons* and *Ipres* to be very much streightned, and in a Manner blocked up. I am, &c.

*L. Jenkins.*

*Nimeguen, 4th Feb. 1677-8.*

*Right Honourable SIR,*

SINCE my last, which was of the 31<sup>st</sup> past, I have the Favour of yours of the 22<sup>d</sup>, tho' it came not to Hand till the 2<sup>d</sup> Instant; I humbly thank you for it, and am sorry to hear my Dispatch of the 31<sup>st</sup> of *December* is miscarried; I cannot imagine by what Accident it was; because I find that a Letter or two I writ to private Friends of the same Date, came safe to Hand in *England*.

HOWEVER, I hope the Duplicate of that Dispatch will let you see; what Point of the *Holstein* Business sticks with me; and you'll please to imagine, I am press'd about his Majesty's Directions in the Case; M. *du Croix* having written thence in a Letter of the 15<sup>th</sup> past, that I should know his Majesty's Pleasure by that Post, or else by the next at furthest.

I was with the *Swedish* Ambassadors on *Friday*, and they with me on *Saturday*, about the free Passage of their Letters; that Difference between them and M. *Heugh*, with whom I was yesterday upon the same Business, sticks upon several Points; two especially, that the *Danes* cannot yield to, without Orders from his Court: The one is, the *Swedes* would have their Couriers at Liberty to pass from the Isle of *Femeren*, to that of *Laland*, which is a Traject upon the *Belt* but of four Hours; the *Danes* would have them pass from *Femeren* strait to *Falsten*, and not come at *Laland* at all; this makes the Traject to be of eight Hours, and this the *Danes* are immovable in; the Way being chalked from *Femeren* strait to *Falsten*, in the Orders they have from Court. The other Point is, the *Danes* have demanded of the *Swedes* an Act in Writing, to remain with the Mediators, that their Couriers shall carry no Letters, but such as relate to the Negotiation here, or to their domestick Affairs; this the *Swedes* have at last consented to; but then, they ask an Act of the *Danes* likewise in Writing, that this Liberty shall be continued to them uninterrupted, as long as the Treaty lasts: Of this M. *Heugh* tells me, as well as of the former Point, he must write to his Court; for he durst not presume, he says, to tie up the King his Master's Hands, as it were, without his special Directions.

THERE



## 294 *Letters from the Embassy at Nimeguen.*

THERE is a Point or two more not worth the speaking of, that the *Suedes* demand; but these two abovementioned being finally insisted on by them, and the *Dane* not impowered to yield them, the Business cannot be adjusted till they have new Orders from *Denmark*.

It was my humble Opinion to the *Swedish* Ambassadors, that they should get themselves into Possession of this Liberty for their Letters, by accepting of the Passport that the *Dane* is ready to give for their Couriers; and in the Interim, to continue their Claim to the two Points in Controversy; and the rather, for that the main Dispute is about Trajects, that for ought I perceive, neither the one nor the other Party are so well acquainted with, but that the Report of a Courier that had once gone that Way, would be of great Use and Light to them, and might dispose the one Party or the other, to as much Facility as were requisite; this they would not agree to, and M. *Heugh* says, they have a further View in it, which, I must confess, I know not what to say to; since they asked me on *Saturday*, not only to perform my Offices towards M. *Heugh* upon those two Points and some others, but also to procure Passports for these Couriers from the Emperor, the *Brandenburgher*, and the States General, the House of *Brunswick*, and the Bishop of *Munster*, since their Couriers may light sometimes amongst the Troops of some of these Princes.

BUT when I put it to them, it puzzled them as well as it did me, to say, what Manner of Passports should be asked from these Princes; for as it is against all Stile to grant one single Passport, to we know not whom, and for we know not how many Journeys; so to send so many blank Passports hither, as the *Swedish* Ambassadors are like to dispatch Couriers (which they pretend shall be one a Fortnight, as long as the Treaty lasts) would be a Thing scarce known hitherto in Practice; but their Resolution was, that I should sound the Ministers of these Princes, that are here upon the Place; and thereby discover; what they will think practicable on their Part in the Case; of this I hope to give you an Account in my next, and to send you withal the Project of the Passport, and the Act of the *Suedes* abovementioned.

*Tuesday's* Letters from *Paris*, that came here to Hand yesterday, bring the certain News of that King's March; it is not certain that he is gone for *Nancy*, but the general Rendezvous of his Army is to be at *Sedan*, which is guess'd here to be for the Conveniency of his moving either into *Germany* or *Flanders*, as he shall see Cause: M. *Meyercroon* writes to M. *Heugh*, the Day before yesterday, from the *Hague*, that the Prince had told him that Morning, the War in *England* was as good as declared; and the Letters out of *England* of the 28<sup>th</sup> of *January*, O. S. did in a Manner speak as much, *France* having rejected all Terms of Accommodation; but we have no *English* Letters yet of that Date come hither, and I fear we shall not till *Wednesday*; tho' I find that Mail, and the former of the 25<sup>th</sup>, arrived at the *Brill* on *Saturday* Morning. I am, &c.

*L. Jenkins.*

*Nimeguen, 7<sup>th</sup> Feb. 1677-8.*

*Right Honourable Sir;*

MY last was of the 4<sup>th</sup>. Yesterday brought me the Favour of two of yours, the one of the 29<sup>th</sup> past, and the other of the 1<sup>st</sup> Current; for both which, as also for his Majesty's most gracious Speech in

in Parliament, and for the Journals that came therewith, I most humbly thank you.

I shall beg Leave still to observe unto you, the Disadvantage we are under (I am not alone in it), in that our Letters do not come by the Way of *Amsterdam*; for those *English* Letters of the 25<sup>th</sup> and 29<sup>th</sup> that came that Way, (as the *Holstein* Ministers had of both Dates from M. *du Crois*) were delivered here on *Saturday* at Noon; those that came strait here directly from the *Brill*, stuck at *Utrecht*; and because they did not arrive there 'Time enough to be taken up by the *Amsterdam* Extraordinary, they were not distributed here till yesterday at nine a Clock; so that those Ministers could tell every Thing on *Sunday*, that had pass'd the two first Days in Parliament, and so could as many here as had Letters from Merchants at *Amsterdam*; but all other Ambassadors, as it happened, knew nothing of Certainty, no more than myself, till yesterday Morning.

M. *Ulken* being with me on *Tuesday*, in Hopes that I had received by your Letters, of the 25<sup>th</sup> or 26<sup>th</sup>, his Majesty's Orders, to perform my Offices with the *Dane*, in the Affair of that Duke, told me, that tho' there was a Probability of a Rupture between us and *France*, yet that his Majesty's Mediation in the *North* will still subsist.

THAT the *Northern* Kings will now easily be reconciled; for that *Sweden* can do no great Matter, and the *Dane* will not be able to take the Field this Year, *Luncenburgh* having refused him their Troops; nor will all that he hopes from *Munster* stand him in any great stead. That the House of *Brunswick* will take a Sum of Money instead of their Conquest; but that the Elector of *Brandenburgh* will *opiniâtre* himself to the utmost, rather than part with *Stetin*; however, that all those Parties will readily hearken to any Thing his Majesty shall propose at this Time. That the Duke of *Holstein* would very readily imploy himself with the *Swede*, to dispose him to all Compliance with his Majesty's Desires; he did not own that he had Orders to advance any Thing of this; but methought he delivered it, as having something more in it than his own private Judgment.

YESTERDAY was with me M. *d'Olivenkrantz*, desiring my Cover to a Letter of theirs of great Importance, as he said; which I recommended to Sir *John Paul*; he desired he would return it back again, unless he could be assured it would be delivered to the Commandant at *Elzingburg*. After this, and the Communication of the News of the Day, he told me, that the King his Master had given him a Commission to take a Journey into *England*; that he would have done it when he came from *Schoonen*, and as he arrived at *Amsterdam*, but that he understood there, and hence likewise, that Things were not yet come to any Ripeness; that since he had written to M. *Leyenberg*, and that Envoy had moved his Majesty, so as to intimate to him, that M. *d'Olivenkrantz* would wait upon his Majesty at that Time he should understand to be most seasonable; which he hoped Sir *John Leyenberg* would be able to discover, by such Means as his Majesty would be pleased to allow of: That his Majesty had hereupon given him a very gracious Answer; and that he, M. *d'Olivenkrantz*, waits for that happy Discovery, but desired, in Confidence, that I would write a few Words of it.

THAT which induced the King his Master, he says, to give that Commission, was the Consideration of the Danger that the *Protestant* Religion is in, both by the present Designs of *France*, and by those of the House of *Austria*; and therefore that the King his Master would willingly concert betimes with his Majesty, the Means that should be

most

## 296 *Letters from the Embassy at Nimeguen.*

most proper for the Preservation of it; and that he, *M. d'Olivekrantz*; is particularly instructed to that Effect.

ANOTHER Motive of this Voyage is, that the Time now drawing on to renew the League between *England* and *Sweden*, he hath Instructions for that Purpose; that are suited to the present Circumstances and Conjunction of Affairs. He could not tell me any Thing, he said, of the Reflexions of the *French* Ambassadors upon his Majesty's Speech, that first appeared Abroad yesterday; but that *M. d'Avaux* had told him, Things were now gone too far to hope for any Accommodation.

LATE in the Evening yesterday, *Don P. Ronquillo* favoured me with a Visit, to tell me, at first Sight, that he hoped we should now become Allies: This gave me Occasion to tell him, that for ought I perceived from his Majesty's own Words in Parliament, and from the Answer that is said to have been given to *Mr. Godolphin*, we had not so much as were to be wished, to build upon in that Alliance. He said, he knew nothing of *Mr. Godolphin's* Journey or Message, until he received from *Brussels* the Answer that the Duke *de Villa Hermosa* had given upon his Propositions; that they had sent the Thing to their Court, as they had had it represented to them, but without making any Reflexions, much less passing any Judgment of their own upon his Majesty's Proposals, or the Answer of the Duke *de Villa Hermosa*. The great Fear he would seem to be in is, that we in *England* are not sincere, (that is his own Expression) nor in good earnest, to make a War against *France*. When they, the *Spaniards*, are satisfied we are in good earnest, we shall then find *Spain*, he says, to joyn effectually with us in any Thing we can desire.

I make Account that the Letters for his Highness the Prince Elector *Palatine*, and the Elector of *Brandenburgh*, will be forwarded by their Ministers here on *Friday* Night; but I must beg your more particular Directions for the Letter to the Elector of *Bavaria*, in Regard he hath no Minister at all, nor never had in this Place.

HEREWITH inclosed go five several Papers, whereby you will see what hath lately pass'd between the *Dane* and the *Swede*, in Reference to the free Passage of the *Swedish* Letters. I am, &c.

*L. Jenkins.*

*Nimeguen, 11th Feb. 1677-8.*

Right Honourable SIR,

SINCE my last, which was of the 7th, we have no *English* Letters come to Hand, tho' we think here the Wind to have been fair enough for them.

ON *Friday* I delivered his Majesty's Letter for the Prince Elector *Palatine*, to his Minister *M. Spanheim*; he was pleased to tell me upon the Subject Matter of it, (the *Gluckstadt-Toll*) that a Twelvemonth ago this Business was brought into the Elector's Privy Council, when he, *M. Spanheim*, happened to be present: His Electoral Highness was then inclined not to oppose it; that is, *observatis observandis*; provided those who have an Interest be heard according to the Capitulation in this Case, before any Thing be determined; that the Elector having for his Part but the last Voice, was not like to come to a casting one. On the other Side, that the Elector of *Brandenburgh* having press'd him as much, or rather more than the King of *Denmark* had done, to give his Suffrage for this Toll, he thought, he was not to deny it, if the Thing,

the

the Parties interestèd being fully heard, and making appear any Reason to the contrary, should be found reasonable by the major Part of the Electoral Colledge, his Highness being sollicitèd in the Business all that can be possible by the Elector of *Brandenburgh*, as well as the King of *Denmark*, and having a Sister of that King at this Time in his House.

M. *Spanheim* seem'd to think, that the great Strefs would lie upon the Opposition that should be made against the Toll; he thought that if the Circle of *Basse-Saxe* might be engagèd to oppose it as a Grievance, the Check that they should give to it would go near to stifle the Thing; but the House of *Luncnburgh*, that has a Share in the Directions of that Circle, being concernèd to justify a new Usurpation of their own of the same Kind at *Carlestadt* upon the Right of *Wefer*, they will rather favour this Exaction than oppose it; the Town of *Hamburg* may do somewhat, but their Interest in the *Basse-Saxe*, and in the Electoral College, may not be great enough for this Business: That the Ecclesiastical Electors, and *Bawaria*, have no Interest to favour this Affair; and therefore that it is not like to speed, but to meet with some further Checks and Delays.

THE same Day I deliver'd his Majesty's Letter for the Elector of *Brandenburgh*, to M. *Blaspiel*; he, M. *Blaspiel*, being immediately to go out of Town as far as *Utrecht*, to meet M. *Roomswinkle*, and from thence in all Appearance to the *Hague*; his Highness the Prince of *Orange* desiring to speak with him or his Colleague M. *Somnitz*, he did not enter into the least Discourse with me about the Toll, excusing himself that he was to go to *Arnhem* that Night. Yet one Thing, he said, he would not omit to tell me, which was, that there are those that are not satisfi'd (he would not name them) with the Address of the House of Commons to his Majesty, in the two Points of the *Pyrcnean* Treaties, and of the *French* Commerce. The Terms of the *Pyrcnean* Treaties, which were the most solemn that were ever made, and upon the Performance of which that great Marriage was founded, which otherwise never would have been, were Terms indeed that would have been very honourable and safe, but says, he cannot hope to live to see them re-establish'd by a War; and especially a War that hath so many leading, and consequently divided Heads in it, as this hath: Therefore that to see those Treaties restored, is a Thing that may be wish'd for, but cannot be hop'd for with any Reason.

As for the *French* Commerce, he said, there was a general Luxury got over all *Germany*; that the City and Court of *Vienna* have more of the *French* Gugaws imported, than are exported of that Country Commodities into *France*, to the Value of seven Millions of Florins a Year: That tho' the Emperor should be able to redress all this, as the Emperor does do all he can possibly at this Time by his Placarts and Executions, and hath done it of a very long Time by his Personal Example; yet that the *French* Wine hath been so long and generally us'd, that it is not to be imagin'd that this Age can be reform'd to such a Degree as to live without it.

M. *Becerning* discoursing to me last Night upon the same Subject, I mean that of the Address, had his Reflexions likewise; it was, that tho' this Country might be content to be without *French* Wine, yet their Navigation and distant Plantations could never be without the Brandy of *France*, all that they make here growing useles and sowre in comparison where the Voyage is long.

M. *Cannon* the *Lorain* Minister, gave me a Visit on *Friday*, being return'd from the *Hague* but the Day before, where he had been to

hasten his Colleague M. *Serinchamp* for *England*; he says the Generality of People there do blame the *Spaniards*, for not closing sooner with his Majesty's good Intentions, who might two Years ago, and even a Twelvemonth ago, have procured a better Peace for them than now can be had; that the *Spaniards* do upon this throw the Blame upon M. *Van Beuninghen*; for that being privy to his Majesty's Intentions, he did not acquaint the *Spaniards* with it; but he added, that the Generality of the *Hollanders* do promise themselves a Peace infallibly, upon what the King and his Parliament have done; and that they would not have the War continued for 2 or 3 Towns in the *Low-Countries*.

M. *Colbert* favouring me with a Visit on *Saturday* Night, began with bemoaning the Heights that Things are come to at this Time. That which he takes for granted in his Discourse is, that they would have been very well content to let *Conde* and *Valenciennes* go, and had no further Aim, as they themselves give out, than to have *Tournay* demolished.

He did not believe the King his Master would have ever been brought to part with *Tournay*, the ancient Patrimony of the Crown of *France*; but that he was sorry to find all Temperaments are now rejected in *England*; and the very Truce which the King his Master proposes is rejected, tho' the Truce be offered without any Condition at all; the *Dutch* being to sign and enter into it presently, upon Supposal that the Emperor, the King of *Spain*, and the rest of the Allies, would acquiesce in the same, and that in the mean Time the Peace should be treated. He told me, the Courier that brought this Proposition of the Truce, parted from *Paris* the 23<sup>d</sup> of *January* O. S. and arrived in *London* the 28<sup>th</sup>, the Day the Parliament was adjourned to; this refusing of the Truce is a Thing that M. *d'Avaux* had complain'd to me of in the Morning of the same Day.

ANOTHER Thing M. *Colbert* told me was, that the Subjects of this State would be content with any Peace, and do most earnestly desire it; and that the Allies in their Assembly, according to the Account they, the *French* Ambassadors, have of what passes there, have declared, they would be very well pleased with a General Peace, upon those Terms that *France* hath offered it to his Majesty. That *Don Juan* makes no Secret of the Necessity that *Spain* is under at this Time, to accept of a Peace upon any Terms; it being impossible, as *Don Juan* says, in a lesser Time than ten Years, to bring that Monarchy out of the Disorders and ruinous Condition it is now in.

He did enlarge much after his usual Manner, in valuing those Five Places the King his Master hath offered to part with in *Flanders*; but he added, that when the Restitution of *Lorain* had its just Estimate likewise, all reasonable Men would think *France* had done much more than could with any Colour be expected from it, by way of Restitution, in order to this Peace.

He said, among other Things, that they were not so fond of *Tournay*, but they would be content to take a good Equivalent in lieu of it, he named *Luxemburgh*; and for *Lorain*, he said, they meant so fair, that if they had conquered all *Sicily*, they would have given it to that Duke, provided that the *Spaniards* would assign him their Interest likewise, and have taken *Lorain* instead of it; which would have taken away all Cause of Jealousie from the King our Master, of the growing Power of *France* in the *Mediterranean* Sea.

I know

I know how intolerable a long Letter is to you in Parliament Time; yet I should think my self wanting to my Duty, if I did not give you the Detail of these Conversations, for that I am afraid the *French*, who have no Mind to a Peace, and the Allies, who are weary of the War, may happen to conspire in this one Thing, that is, to lay the Odium of continuing the War upon his Majesty, or upon his Parliament, or upon both.

How disadvantageous such an Impression would be, I perfectly submit to you, that see further than I do, what we are to hope from our Allies, and to expect from our Enemies; but if those Things which the Parliament desires his Majesty would please to stipulate from the Allies, do not prove in themselves to be practicable, we had need to be sure, that we are able to carry on the War to better Effect, than all the Allies jointly have hitherto been able to do; for if we ask of them unpracticable Things, I fear they will not come in, and stick close to us, and then it will be the Game of the *French* to bring them to make their Peace separately, with this great Argument, that we have refused those very Terms that *Spain* and *Holland*, for Instance, would have acquiesced in.

ONE Word more, I must not forget in M. *Colbert*'s Conversation; it was, speaking of the Difficulties his Majesty would have to get *Sweden* restored entirely as it pretends to be . . . . . I mention it, because I am persuaded, they, the *French*, have an Intrigue with that Embassy here, as they have, I doubt not, with the House of *Brunswick*. I am, &c.

*L. Jenkins.*

*Nimeguen, 14th Feb. 1677-8.*

*Right Honourable SIR,*

I Have nothing to add to my last, which was of the 11th, besides my humble Acknowledgments of the Favour of yours of the 8th Current, which came to my Hands yesterday, together with the *English* Letters of the 5th; these brought us his Majesty's Answer to the Address of the House of Commons. I shall not be able to tell you any Thing by this Ordinary, of what the Ministers Reflexions here may be upon it; for my Part, it grieves me to the very Soul, that his Majesty hath been forced to shew a Resentment of that Degree; but then, since it was to be done, it is done to all Purposes like a wise and great Prince, and like a true Father to his People, letting us see fully, what is our Duty, and what is his Resolution.

I told you in my last, Madam *Heugh* is arrested with the sad News of her Brother's being executed; however, the Favour his Majesty intended to her Husband, will be nevertheless an Evidence of his Royal Goodness, and will throw upon M. *Gize* the Shame of betraying his Fellow-Minister, in a Business that went so near his Heart. What concerns the Duke of *Holstein*, I shall be sure to execute the next Moment of Leisure M. *Heugh* has to give me, which I suppose may be as soon as this Post is gone.

YOU are pleased to take notice in your last, you had received mine of the 14th and 12th of *January*, together with the three following between those of the 14th and 12th. I writ one of the 17th, which I take leave to mention, because it may be miscarried, as well as another a Fortnight before; the main Thing in it, was an Account of a Con-

versation I had with M. *Colbert*, which I took then to be of some Moment: If I may know that the Conveyance of our Letters is of late become less sure, we shall take the more Pains here to put Things into Cypher.

I have just Time enough to tell you, I have been with M. *Heugh*, who, with Tears in his Eyes, acknowledged the Graciousness of his Majesty's Intentions in Favour of his Brother in Law, as humbly and heartily, as if the Thing were capable of the good Effect his Majesty meant; but his Brother was shot to Death the 18<sup>th</sup> of last Month, Old Style.

BEING to pass my Offices with him in the *Holstein* Affair, and having opened the Business, he excused himself from receiving the *Plenipouvoir*, and the Propositions that I had in my Hand, and offered him; his Reason was, that he durst not do it, till he had consulted with his Colleague; for they having express Orders not to enter into any Negotiation with that Duke, he did not know but that the accepting of such Papers might amount to an entering into the Business; he desired he might not, on the other Side, be understood to refuse them; only he desired this Respite might be taken by him without Offence, since it was in Order to deliberate with his Colleague upon this Preliminary: He touched one Word, which I think is at the Bottom of all, it was, that if the Duke would declare himself to be a Party to the War, they would not oppose his Admission. I remain always, &c.

*L. Jenkins.*

*Nimeguen, 18<sup>th</sup> Feb 1677-8.*

*Right Honourable Sir,*

MY last was of the 14<sup>th</sup>; since which, I have not the Favour of any from you to acknowledge.

ON *Saturday*, M. *Becerning* came to me in a great Alarm, bringing with him a printed Copy of the new Treaty between his Majesty and these States: It was printed at *Frankfort*, the *Latin* in one Column, and *High-Dutch* in the other.

THAT which troubles him in it is, that the separate Article relating to *Lorain* comes too light; and that therein it appears, that they, the *Dutch*, do not so fully comply with their Obligations to that Duke. It happens, he says, that this Print is a Copy of the first Treaty, bearing date the 31<sup>st</sup> of *December*, O. S. and not of that that hath been since exchanged, and is the true Treaty. But the separate Article, as to *Lorain*, is the same in both; this Print, he said, a publick Minister had put into his Hand, being the first that was yet come to this Town; the *German* Post of yesterday, will have probably brought a great many more of them, tho' we do not yet hear of them.

THAT which he intended to do, he said, would be to aver, when more Copies should be produc'd, and objected to him, that the true Treaty is of a latter Date, and that this Print cannot be it; he concludes it must be some of the Members of the States General that must have divulged this; that happens sometimes among them, . . . . . (that was his Expression) but never amongst the States of *Holland*; and tho' it may serve for an Answer for the Time, that this Print is not the true Copy; yet he gives it for granted, that

that he that against his Oath publish'd the first, will have no Scruple to publish the second, when it comes to his Hand.

HE went from me with a Resolution to perswade M. Cannon, to go forthwith to the *Hague*, to see there what M. *Serinchamp* may be best directed to move for in *England*, to repair this Fault; he was Writing; he said, to the Pensioner about it, looking upon this Discovery as a Thing that *France* would take Advantage of, and will blemish the Credit of the *Dutch*. In a Word, the Alarm he seemed to be in was very great.

LAST Night M. *d'Olivienkrantz*, in a Visit he gave me, complain'd very much of some Representations that had been made by M. *Barillon* on that Side, wherein there is a great deal of Wrong done, not only to him and his Colleague, (in whose Name likewise, he said, he was come to speak with me) but also to the King their Master, in this present Conjunction of Affairs.

ONE Thing is, that they, the *Swedish* Ambassadors, are reported in *London*, to have rejoiced very much, that the *French* King had insisted upon an entire Restitution to be made to *Sweden*, in the Peace that is now in Treaty; nay, that they had said further, that that King had Reason not to make a Peace at that Time; this last, they said, is quite contrary to their Judgment; and for their rejoicing, it could be neither great or little, upon the Occasion that is pretended; for they never had any certain Information of what *France* had demanded or insisted on in the Behalf of *Sweden*; all that they ever heard of it was, that the *French* Ambassadors told them once; and that in general Terms, that the Most Christian King would have the Restitution of *Sweden* enter into the Treaty that shall be set on Foot, as a Condition, *sine qua non*, &c. that they thereupon thank'd them, the *French*, for the Communication, and told them, the King of *Sweden* would be well pleas'd with the News, when he should know of it; and would, they doubted not, acknowledge it himself: This is all the rejoicing that they can be said to have had.

BUT that which troubles M. *d'Olivienkrantz* and his Colleague too, above all Things, is, that M. *Barillon* himself should give out, (and this they say they have from very good Hands) that the King of *Sweden* hath taken an Oath, not to do any Thing at any Time, without the Knowledge, even without the Consent of the *French* King; nay, which is much more strange, if we should believe it possible to be, that the King of *Sweden* hath protested, that if he should lose his Kingdom in this Quarrel, he would be content to command an Army in *Germany* as a General.

THIS last Thing, M. *d'Olivienkrantz* says, is too absurd to find Credit with any Body; but to the King of *Sweden*'s making any such Oath, as is pretended, M. *d'Olivienkrantz* desires it may be observed, that Kings are not used to make an Oath, but upon reciprocal Terms the one with the other; and that the King of *Sweden* is obliged to no more, but to make good his Part of the Treaty with the *French*, they making good their Part.

IF it be true, that M. *Barillon* spreads such Reports, as the *Swedish* Ambassadors do perswade themselves he does, M. *d'Olivienkrantz* takes it for granted, that it is high Time for them to oppose and confute all they can such Surmises and Calumnies. It is for that End, that M. *d'Olivienkrantz* came, he said, to make this Overture to me, and withal to disclaim all such Reports, whether they came from this Place of *Nimeguen*, (as he supposes it very much) or from otherwhere, into



*England*; they aver them to be groundless and false; and desire that his Majesty, his Ministers, and his Parliament, would do that Right to the King of *Sweden*, and to them his Ambassadors likewise, as to believe they will not in any Thing be against the Peace of *Christendom*; and that it may presently return into it.

M. *d'Olivekrantz* Conjecture was, that these Reports are set on Foot, upon a Supposition that *England* and *France* are to come to a Rupture; for the *French* do conclude, that in that Case, it will be one of his Majesty's first Cares and chief Endeavours, to make Peace in the *North* as soon as is possible; therefore the *French*, in Order to disappoint all such Hopes, do endeavour to make all the Impreions possible in *England*, that the King of *Sweden* will never be brought to make any Peace, but such as *France* shall like of, and be comprehended in as Party principal.

ANOTHER Thing that M. *d'Olivekrantz* hath from *England* is, that M. *Barillon* hath express'd himself, that *France* would be content there shall be a Truce in the *North*, but it is not its meaning, that that Truce shall end in a Peace; therefore that the Treaty that the *French* do now desire, and so much value themselves upon the Offer they have made of it, will prove at last (since it is a long one they would have) to be a meer Amusement; and that no Truce can have a Tendency to the Repose of *Christendom*, but such a short one, as shall be no longer than is necessary to compile together the several Parts of a general Treaty; that such a short Truce is not to be consulted to, till the gros of Affairs be first agreed on, and that with Certainty and beforehand.

ON Saturday Morning, we lost here M. *Schmitz*, Chief of the *Brandenburgh* Embassy; he had been ill for some Weeks, with an old Rupture in the Navel, being a repleat Body; to that was added an Asthma, and great Pains from the Gravel: He died in great Reputation of Probity, as well as Sufficiency. M. *Oxenstiern* takes this Day a Turn to *Amsterdam* about his private Affairs.

*Don P. Ronquillo*, and others, give out, there is a new Engagement between the *French* and the *Swedes*, and these last are to receive a Million of Money upon it; this Report M. *d'Olivekrantz* acknowledges to be spread at the *Hague* as well as here, but stiffly denies the Matter. He seems to think, that if the Peace in the *North* be before that, between the *Spaniards* and *France*, he shall think it worth his while to pass over into *England*, he having a perfect Understanding of all the Intrigues of the House of *Brunswick*, *Denmark*, and *Brandenburgh*; for he says, the House of *Brunswick* sets up for a new Electorate.

It is given out here, that the King of *Denmark* has expressly stipulated, that his Ambassadors shall give the Ambassadors of the House of *Brunswick* the same Treatment that is given to the *Electoraux*; but this M. *Heugh*, in a Visit he gave me last Night, expressly denies, the King his Master having stipulated nothing, but to acknowledge the *Jus Legationis* in those Princes; and as for the Treatment, all he has promised is, to give them the rest of those Honours they pretend to; but he will by no Means be brought to the other; but that it seems they expect from *Spain*, and they have had some favourable Answer from the Duke *de Villa Hermosa*.

YESTERDAY M. *Heugh* came to tell me, that he desired, in an humble Manner, to be excused towards his Majesty, in that he does not find himself at Liberty to take the *Holstein* Propositions and Powers from my Hands.

*First,*

*First*, FOR that they, the *Danes*, have most exprefs Orders not to enter into any Manner of Negotiation with the *Holftein* Ministers.

*Secondly*, FOR that they hope his Majesty may please, from what the King of *Denmark* hath writ to him, to fatisfie himself that the *Holftein* Affairs are to be decided in another Place, where his Majesty's Interposition will meet with all Respect and Deference; and this Place is intended for the Parties in War to treat, and no other.

*Thirdly*, THAT his Majesty hath given so favourable an Answer some while since upon M. *Gloe's* Applications, that they, the *Danes*, cannot think it is his Majesty's Meaning, this Difference should be treated otherwise than as a Domestick Affair, and in the Way and Manner long since agreed to by both Families.

*Fourthly*, THAT tho' they expect no Answer from their Court, that shall give them Way to enter so far upon the Borders of a Negotiation, as to receive the Papers I offered him; yet in Regard I had pass'd my Offices with him upon this Occasion, it was incumbent upon them to write, and know the Pleasure of their Court; and therefore he hoped that it would not be taken amifs, that they excused themselves from receiving the Papers till they have an Answer.

I press'd him to take the Papers *de bene esse*; for they could not (strictly speaking) write about them, much less answer upon them categorically, unless they first saw what they contained; but this they would not do. I remain, &c.

L. Jenkins.

Nimeguen, 21<sup>st</sup> Feb. 1677-8.

Right Honourable SIR,

SINCE my last, which was of the 18<sup>th</sup>, we have no Letter out of *England*, nor have I the Favour of any from you since the 8<sup>th</sup> Current.

M. *de Gurck*, in a Visit I gave him yesterday, fell presently upon the Treaty Printed at *Frankfort*, whereof I gave you an Account in my last. He told me of another of the same Tenor, Printed at *Hamburgh*, he would needs know my Judgment upon the Authentickness of that Print, and particularly asked me, whether there were not a latter since?

I told him, I had never received any Copy either of the one or of the other from Court; but that I had certain Circumstances that convinced me fully that the Treaty between his Majesty and the States was rather of the latter Date, than that of the Print which was of the <sup>31 Dec-</sup><sub>10 Jan-</sub> this he acknowledged might be true, but said, that if the last and true Treaty had the same Things in it touching *Lorain*, as the Print had, it was a Prejudice most absolutely irreparable to that Duke; for as soon, says he, as the *French* Ministers shall perceive there is an Alternative in the Case, they will be irremoveable from that Side of it which makes most for the Depression of that Duke.

I took Leave to tell him, that supposing there were such an Alternative, it could not be found Fault with in the present Circumstances; for that more was done for this Duke of *Lorain*, than ever the Empire and *Spain* could do for his Predecessor, either in the Treaty of *Munster*, or in that of the *Pyrences*.

To speak nothing of the *Pyrences*, which was in the Absence of the Duke, and while he was a Prisoner in *Spain*, it was most certain, that in the Treaty of *Munster*, *France* chose rather to break with *Spain*, and not

not to make up their Differences with that Crown, jointly with their old Allies the *Dutch*, than to restore the Dutchy of *Barre*, the Marquisate of *Nomency*, *Clermont*, *Stenay*, and *Jametz*, and to restore *Nancy* and some other Places undemolish'd; and whereas they, the *French*, submitted all Points in Difference (they were since over and above that of *Lorain*) to the Arbitration of the then Prince of *Orange* and the States General, yet they would never frame themselves to submit this Point to them, whether *Nancy* should be restored fortified or not fortified? Nor whether it should be old *Lorain* alone that should be restored, and not the more modern Acquisitions, which *France* were resolved to keep to themselves, I mean the Dutchy of *Barre*, the Marquisate of *Nomency*, *Clermont*, *Stenay*, and *Jametz*; which the *French* at this Time, as far as I can perceive, are content to restore.

He spoke little to that Part of the *Munster Treaty*, but concluded, that if the Duke of *Lorain* was restored on such Conditions, he might be fetch'd away at any Time to the Bastile in *Paris*; besides, that the Empire would have no Manner of Cover on that Side, wherein it was most concern'd to have it.

YET it is obvious enough, that if *France* at that Time, I mean in *January* 1647-8, when it was running as fast as it could go into Civil War, and when the Finances were in the greatest Disorder possible, in a War declared against *Spain* ever since the Year 1635, but carried on against it and the Empire underhand almost 20 Years before, held the then Duke of *Lorain* to such hard Terms, it is hardly to be expected they can now be brought to more favourable ones, than those in the worst Side of the Alternative: His Answer was, that the Duke of *Lorain* being a Prince of that Merit all the World allows him to be of, deserves a better Treatment; and since this Print is but a spurious Copy, he hopes that the Applications of *M. Serinchamp*, (who was advised by the last Post, of the separate Article that concerns the Duke, his Master) will come 'Time enough to obtain of his Majesty to alter that Article as it is now penn'd, to interceed more effectually for a Prince that deserves so well.

*M. de Gurck* could not forbear taxing the States for having so small a Regard of the Duke, but much more for Treating about a Peace, without first communicating with their Allies in the War; and when I told him, that I supposed they had satisfied the Ministers of the High Allies that resided with them at the *Hague*, of the Reason why they did not impart to them the Treaty with *England*; he said, it was true they had wheedled those Ministers with Pretences, that his Majesty's Ratification was not yet come; but now it appears, those were but meer Excuses.

FROM this Theam, he passed to that of the Parliament, saying, he found nothing in their Address but what was extremely agreeable to the Interest of *England*; he did acknowledge nothing could be answer'd to that which his Majesty in his Answer minded them of, touching the Terms of the *Pyrenean* Treaties; but he told me, he finds the *Hollanders* do declare themselves absolutely, that if his Majesty do, according to the Propositions in the Address, break off the Commerce with *France*, they, the *Dutch*, can, and will do the like; but I desired him to inform himself somewhat more particularly of the mighty Trade *Holland* drives with the *French* Wines in the *Baltick* Sea; and how they cannot serve the Plantations of this State in several Parts of the World with Brandy, unless they have it out of *France*; and then to judge on this Side, how practicable such Interdictions should be: But to these Particulars he did not seem to have much to speak.

I perceive that he is not well pleased that Things in Parliament go on so slowly towards a War; and the News he hath out of *England* tell him, that they have slackned their Pace ever since his Majesty's Answer was put in. He seems much of Opinion, that in Compliance with the Bill the Journals of the House of Commons speak of against *French* Manufactures, the Empire may be brought, and is so already, to be content with their own; and gave several Instances of *Frenchmen* that are come to work in *Germany*, now that they see *French* Wares are forbid.

HIS last Wish was, that if *England* would not make a good Peace for *Christendom*, it might enter vigorously into the War; but he cannot; he says, be perswaded, that any Peace but a plastered one can be made at this Time. He would needs perswade himself, that there was some Kind of Agreement between his Majesty and the *French* King, that no hostile Thing was to be done on the *French* Side till the Beginning of *March*, *N. S.* but that which he repeated pretty often was, that it was a hard Case they, the Emperor and Empire, who are principally concern'd in the War, should have a Peace projected for them, and they all this Time know nothing of the Particulars; and he did not conceal an Apprehension he had, that *England* and *Holland*, if they have been able to secure the *Spanish Netherlands* so far, as that no Place in them be attacked this Spring, they will be the less concern'd for the Attempts that may be made upon the more distant Places belonging to the Empire. Thus he.

THERE are Reports in Town, that the *Spaniards* have already underhand made their Peace with *France*; and that *France*, whenever the Peace comes to be treated, will endeavour to get into the Empire as a Member of it, in virtue of their Right in the *Franche Comte*, and consequently in the Circle of *Burgundy*.

THE *Swedens* give it out here, that Count *Antoine* of *Aldenburgh* is to go over Ambassador Extraordinary into *England*, what Ground there is for this, I cannot yet find out.

JUST now at 11 of the Clock, *M. d'Esfrades* gives me the Favour of a Visit, and tells me, his Letters that were come in this Morning advise, that *Charlemont* is besieged for certain, and *Namur* not improbably invested at the same Time: This, he said, would certainly bring a Breach between *England* and them: That the King his Master is not in a Condition to be forced by any Power to make a Peace; that he has 200,000 Men well paid, all his Places well provided, and that without any new Impositions upon his People, but what are very easy and almost insensible; and so the War may be continued a long Time, without burthening them more than they are at present: This is his usual Discourse every where; and when I told him that it was a great Pity the War should be continued for a Town or two, and all *Christendom* laid wast with its Flames, rather than *France* should part with *Tournay* and *Valenciennes*; he said, we had as good demand *Paris* as *Tournay* from his King.

BEING at *M. Beverning's*, to pass an Office just now for a Passport to the *Swedish* Couriers, in case that Business should finally be adjusted, I found him still troubled at the Printing of the Treaty. *M. de Balbases* had been with him yesterday, to make a solemn Complaint, that *Sicily* was to remain in Pawn till the *Swedens* were restored; so that, says he, we shall have Complaints from all the Parties, that we have not done enough for them. For ought I know, they spread this Matter the more to inflame the Discontent of the Allies; for I know for certain,

## 306 *Letters from the Embassy at Nimeguen.*

that one of M. *de Gurck's* Domesticks offered this *Frankfort* Copy two Days ago to a Bookseller here, in Order to have it reprinted.

JUST now M. *Blaspiel* was with me, and read me a Letter from the Elector his Master, commanding him to do all *Devoirs* and Offices possible to oppose the *Holftein* Ministers, in case they should endeavour to bring the Difference between the Duke their Master and the Duke of *Holftein* to be debated in this Place; it belonging not to these Treaties, but being an Affair to be decided judicially, and such an one, in which there is a Sentence already given, I told him, those Ministers had never mentioned the Duke of *Pleune*, or any Difference with him, to me; nor was there so much as Mention made of him in their Propositions. I remain, &c.

L. Jenkins.

*Nimeguen, 25th Feb. 1677-8.*

Right Honourable SIR,

SINCE my last, which was of the 21<sup>st</sup>, I have the Favour of yours of the 15<sup>th</sup> Current to acknowledge.

IT brought me his Majesty's Letter to the King of *Sweden*, 'Time enough to put it into M. *Heugh's* Hands, before the Post of that Day went off; he received it with the deepest Veneration possible, and desired, that all Things that can be said to express a most humble Sense of his Majesty's most Royal Goodness, may be said in his Behalf; the Report that his Brother-in-law is not executed bears up still; but he knows not how to believe it, the Account that was sent him from his Court being so particular.

I shall not repeat any Thing of what is in my former Dispatches, touching the Offices I have pass'd with M. *Heugh* about the *Holftein* Business; only I will add, that M. *Heugh* told me on *Thursday* last, that whereas he had given an Account to his Court, of my having pass'd those Offices, and had charg'd himself upon my Instance to write about them, he had already receiv'd an Answer, tho' not to those Letters, yet upon the Point in Question; which was, by no Means to enter so far into the Negotiation, as to take from my Hands any Powers or Propositions, that I should press upon him, from the *Holfteiners*. So that that Business stands there. And so that other Business about the *Swedish* Letters and Couriers is like to stick; for the *Swedes* having press'd, that their Passage might be from *Femeren* to *Laland*, and not to *Falster*, and that the *Danes* should give them an Act in Writing, that this Concession of theirs should last as long as this Treaty lasted, (with one or two little Things more) M. *Heugh* told me on *Thursday* last, that having represented these Advices of the *Swedes* to their Court, he is answered, that he and his Colleague are already gone beyond their Orders, and that nothing more will be yielded on the *Danes* Side.

I acquainted M. *d'Olicenkrantz* on *Saturday* with this Answer, as also with the Success of my Offices with the *Imperialists*, M. *Blaspiel*, and M. *Beverning*; the *Swedes* have desired me to move them for Passports, upon Supposal they might agree with the *Dane*; I did it: The *Imperialists* and *Brandenburghers* promised to write, and were confident to receive a favourable Answer: M. *Beverning* desired a Minute of a Passport as the *Swedes* would have it, and undertook it should be dispatched forthwith.

M. d'Olicen-

M. *d'Olivenkrantz* would needs lay the Blame of this Difficulty upon the *Dane*, saying, they thought to have accroach'd the Business in demanding an Act from the *Swedes*, not to send Letters by those Couriers, but such as should relate to the Negotiation here; but that when they saw the *Swedes* would give an Act in Writing to that Effect, they would be sure to do it, by refusing an Act, that this Concession should continue as long as the Treaty, which the *Swedes* demanded of them. I confess, I was earnest with them to forbear that demand, and to get into a Possession of the Liberty for their Couriers; but they stood stiff upon demanding something in Writing, since something in Writing was demanded of them, and so that Business is lost.

M. *d'Olivenkrantz*, in his Conversation asked me, whether I had not heard that his Colleague, M. *Oxenstiern*, was gone to *Holland*, in Order to conclude a Treaty with the States General? He asked me, he said, because Messieurs *d'Eftrades* and *Colbert* had told him, it was common News about this Town; whereas he does not find, that any besides themselves do talk of it. He told them such a Treaty might be as well made here, and better, between them and M. *Beverning*; but it was replied, that *Silvercroon* is a special Confident of the Pensioner *Fagel*, and that they mentioned not the Thing as taking it amiss; since the King our Master having, on the one Side, engaged to see *Sweden* restored, and being engaged, on the other Side, to do nothing but in Confort with the States General, it was but reasonable they, the *Swedes*, should get the States to confirm, on their Parts, that which his Majesty had promised on his.

M. *Petcum* told me on *Friday*, but desired it might be in the utmost Confidence, that he thought this might be a most proper Conjunction to make a Peace in the *North*; but the *Dane* desired no more but to

a . . . . . which were easily done by a  
arrier from him in *Schoonen*; that it is certain the King our Master would be hearkned to with all the Respect and Deference possible, if he should move for a Peace; and then all the Power in the *North* would be at his Disposal, to be employed elsewhere; and either Prince *George* or M. *Guldenlieu*, would be glad to command an Army of *Danes* upon such an Occasion: He desires there might not be the least Use made of his Name in the *Ouverture*, it being a meer Reflexion of his own.

He told me, that Count *Antoine* had his Credentials and Instructions these three Weeks lying by him, to go Ambassador into *England*; but that Monsieur and Madam *Colbert* have so represented to him the Expensiveness of that Journey, and especially the vast Charge it was to them, that he has made his humble Instances at Court, to be excus'd from going; but as M. *Petcum* thought those Excuses might not be received; so M. *d'Olivenkrantz* told me next Day they were not, but that he was resolved to go that Embassy.

M. *Spanheim* tells me, that here is a Report in Town, that the Treaty between *England* and this State sticks upon a Difficulty, that those of *Amsterdam* have rais'd upon it; and that this is reported in the very Family of M. *Beverning*.

YESTERDAY and this Day, the News of the besieging of *Ghent*, and the Certainty that it will be taken, is all the Discourse of the Town, and that with Distraction and Amazement enough. I beseech GOD to bless his Majesty's Councils at Home and Undertakings abroad. The *Dutch* are jealous of the Bishop of *Munster*; he raises great Forces, and it is not known where he has Money to do it; only he abounds with *French Wine*. I am, &c.

L. Jenkins.  
Nime-

*Nimeguen, 28th Feb. 1677-8.*

Right Honourable SIR,

SINCE my last, which was of the 25<sup>th</sup>, I have the Favour of one from you of the 22<sup>d</sup> Current; wherein you are pleas'd to take notice of such Letters as I have troubled you with this Month, and were then come to Hand. I perceive my Letter of the 17<sup>th</sup> of the last Month is, I know not how, miscarried; I do therefore take leave to send you a Duplicate of it; and we shall endeavour on this Side to provide still by putting every Thing material into Cypher, that such Miscarriages may not be much to our Prejudice.

IN the several Conversations that I have had since my last with M. *Spanheim*, *Blaspiel*, and *Beverning*, the main Theam happen'd to be the earnest Pursuit of M. *Muller* for the Dukes of *Zell* and *Welfenbattel*, in a Pretension of theirs, that such Ambassadors as they shall send hither may be treated equally with the *Electoraux*.

THE two first told me, there is a Resolution of the Electoral College, in Answer to a Letter that the Emperor had written to accompany a Memorial, that the *Zell* Minister had given in at *Vienna* upon this Subject; they say, that as the Emperor's Letter had something in it of a Resentment, that that Memorial was extraordinary in its Kind, so the Resolution is very full and strong against the Drift of it; besides that, the Memorial itself is apostill'd with Strictures by the College; the Resolution is of five Sheets of Paper in *High-Dutch*. I hope to get a Copy of it when it is put into a more familiar Language, and I shall be sure to give you Part of it.

IT doth not appear that the Duke of *Hanover*, or the Bishop of *Osnaburg*, have made themselves (at leastwise in the Empire) Parties to this Pretension; they are the Dukes of *Zell* and *Welfenbattel* only, that interest themselves in this; nor hath M. *Muller*, at his being here about a Fortnight ago, had the Satisfaction he expected from the *Imperialists*, the *Spaniards*, or the *Danes*, to whom he applied himself severally, as having some Grounds to hope, they might be disposed, by some Orders from their several Masters, to treat the Ambassadors of that House as the *Electoraux* are treated.

THE Difference at *Hamburg*, where the chief Minister of *Zell* would cut between the first and the second of *Brandenburgh*, is not yet adjusted; the *Electoraux* alledging it to be a pure Innovation. It hath been practis'd quite otherwise in all former Times, and particularly at three several Assemblies since the Year 1669, and the *Munster* Ministers, that every where take Place of those of *Zell*, pretend not to it.

THE Difference between the *Zell* Ministers and the Directory of *Mayence*, continues still as it was; that Minister would have his Credentials received from a Gentleman he sends, which is a Privilege particular to the *Electoraux*, and the Directory expects the Minister should deliver it up himself, as the Ministers of all Princes, not Electors, have hitherto done.

IT is a Style it seems of the *Imperial* Cities, that when they have an Occasion to write to an Elector, they do it in Parchment; but if it be to a Prince, they do it in Paper; the City of *Nuremberg* having lately writ to the Duke of *Zell* in Paper, as the Stile ever was, their Letter was not received, but sent them back again, because it was not in Parchment.

I men-

I mention these little Particulars, because they seem to be managed with great Heat; and that it is suspected, they have a Promise of a Countenance and Favour from *France* in this Pretension; it is observed, that *Madam de Harbourg* is a Person of Ambition and Intrigue, only her Ambition meets with no manner of Complaisance from the Princesses her Neighbours.

*M. Beverning* is not well pleas'd with the Resolution pass'd some while since at the *Hague*, in Favour of these new Ambassadors, when any should come from the House of *Brunswick*; for tho' he says, what is there delivered, is capable of an Interpretation, that will not much prejudice the States; yet the States are in this Case most concern'd of any other to look about them; for, says he, if we allow these Ambassadors, when they come, a Treatment equal with the *Electoraux*, we shall lose the Point about which we stand in Competition with the Electors; for these Princes yielding the Point in all Respects to the Electors, and being content to come behind them, we cannot give their Ambassadors an equal Treatment with the Electors, but at the same Time the Preference of the Electors, as to us, will become established, because they are acknowledged on all Hands to have a Rank distinctly above that of these Princes.

ONE Thing more, he said, that the States can no sooner admit the *Zell* Ambassadors to an equal Treatment with the *Electoraux*, but the Duke of *Zell*, and all the Princes of *Germany*, will refuse the Hand at their own Houses to the Ambassadors of their State, tho' they do it not at this Time; only the Electors do it, and the Princes will be sure to do the same; and they will be no small Number, there being about 15 Lay Princes, (as *Newbourg* and others of Electoral Houses) besides the whole Bench of Ecclesiasticks, that have undoubted Precedency before those of *Brunswick*.

I had some Discourse with *M. Beverning*, and so with *M. Blaspiel* and *Spanheim*, about some Apprehensions there are, as if the Bishop of *Munster* was not like to remain firm to his Party; they all agree, there is little Stress to be laid upon his Constancy to a Party; but *M. Beverning* does not think he can fall off from his present Engagement: For besides his general Treaty with the Allies, when he entred into this War, he has entred into particular Measures with the Emperor, with the *Brandenburghers*, with the *Dane*, and the Duke of *Newburgh*, from all whom he does not see how he will be able to break off.

*M. Kinski* and *Don P. Ronquillo* favouring me with a Visit on Tuesday Night, the latter complain'd very heartily of the Treaty between *England* and *Holland*, as it is printed at *Frankfort*. It seems to me by his Discourse, that the *Spanish* Ambassadors here are not well either with the Duke of *Villa Hermosa*, or with *M. de Burgomayne*; they find Fault with the *first*, for having refused the King our Master that Satisfaction about *Ostend*, which he is since forc'd to come to, upon the Representation and the Instances of his Highness the Prince of *Orange*; and for the latter, as they have little or no Account from him of his Negotiation in *England*; so *Don P. Ronquillo* has that Account from others, as to have no Reason at all to be satisfied with his Conduct; which, as far as it tends to foment any Misunderstanding between his Majesty and his People, is certainly a wrong Measure for the *Spanish* Affair; wherefore he wishes himself there for some short Time.

I was requested yesterday by *M. Beverning*, to pass an Office with the *French* Ambassadors, so as to acquaint them, that his Highness the Prince



## 310 *Letters from the Embassy at Nimeguen.*

Prince of *Orange* had ordered a Regiment of Horse to march from *Zutphen* Side, and to pass through this Town in their Way to the Army; but his Highness had ordered withal, that they should not enter into the Town, but pass over the Rampart from the Water-Gate to the Gate they are to go out at; this is a fair Regard that his Highness is pleas'd to shew to the Neutrality of this Place, and the *French* understand it so; besides, a Disorder that happened here upon the like Occasion some while since makes the Caution more becoming.

I take Leave to trouble you with the Papers of the Duke of *Mecklenburg-Swerin's* Minister; they are now in somewhat a better Form than they were in at first; but that Duke being no Party to the War, I beg you will please to favour me with some Notice, how far his Majesty thinks fit to own the Concerns of this Prince, which are, to have his Damages repair'd, and that the Toll that the *Sweedes* have been us'd to take at *Warnemund*, be taken off. I remain, &c.

*L. Jenkins.*

*Nimeguen, 4th Mar. 1677-8.*

*Right Honourable SIR,*

SINCE my last, which was of the 28th past, I have not the Favour of any from you, yet I may chance to have some coming this Side the Sea; for the *English* Letters of the 26th, that are come by the Way of *Amsterdam*, are already arrived.

IN a Visit I gave M. *Colbert* on *Thursday*, I found him full of Assurance that *Ghent* would be taken, and that *Bruges* would soon after bring their Keys, and present them to his King; the Consequence of this, he said, would be, that by this Means the Way for all Succours from *England* would be stopped; and that if *England* did before think it necessary to raise 30,000 Men, 60,000 would now hardly do their Business; and they would be at a Disadvantage even with that Force, considering how the *French* are disciplin'd, and us'd to the Wars, and the *English* not.

HE said, that his Highness the Prince of *Orange* had remonstrated to the Duke de *Villa Hermosa*, how impossible it was for him to do any Thing, the *Spanish* Garrisons having taken up so many of his Men, that he has not a Force left to appear in the Field.

M. *Colbert* made it his Wish this might produce a Peace, and he hath Hopes, he says, it may; there being no greater Impolicy to be committed on the Allies Side, than to refuse such a Peace as they may yet have; and to let *France* see how great Things it is able to do, notwithstanding the Opposition of all *Europe*.

M. d' *Avaux* seemed to be perswaded, the next Day after, this great Victory (tho' then we knew nothing of it) would dispose the *Spaniards* to part with *Tournay*, *Valenciennes*, and *Conde*, provided *Ghent* might be restored them; this was his Discourse to me, and of his great Hopes of a sudden Peace; as also that M. *Barillon* was very much at Ease in his Thoughts at this Time upon the same Confidence.

I do not find that the *French* do talk thus smoothly to others; for M. *Christine* told me, they had talked to him that very Day with much undervaluing of all that *England* can do; they saying, that the King their Master had undertaken this, to shew how little apprehensive they were of us.

ONE Thing I could not but take Notice of that *M. Colbert* let fall, it was, that speaking of what the Emperor might do in *Germany*, tho' Things went ill here with the *Spaniards*, he said, that the Emperor might find himself much mistaken in his Measures, and more Enemies than he dreamt of: those were his Words.

ON *Saturday* *M. d'Olivenkrantz* came to acquaint me, that he was now resolved on his Journey for *England*, only he must stay till to Morrow in the Afternoon, that his Collegue *M. Oxenstiern* has writ him Word he will be back from *Amsterdam*; and then he will be ready to go by the next Packet Boat, but cannot hope to overtake this.

He told me, he had acquainted *M. d'Estrades* that Morning with his Intentions, and that his Business would be, to prevent, as much as lay in him, the Rupture between *England* and *France*; that he was advised from *Sweden* by a Letter two Days ago, which puts him upon his Journey, that he should find his Credentials and Instructions in *England*; that the Marquis thereupon told him, his going into *England*, if the Peace went on, would be worth his while, because he might be near the King our Master, to solicit for that Restitution which *France* hath made the Condition, *sine qua non*, (those were his Words) of the Peace; but if there were a War, he, the Marechal, did not know what Business *M. d'Olivenkrantz* would have there: 'This *M. d'Olivenkrantz* told me, by way of Report of what had passed between him and the Marechal; insinuating withal, he might, and would have Business in *England*, tho' the War should break out; notwithstanding that the Marechal did see no Business he would have to do there: Nor did *M. d'Olivenkrantz* tell me, by way of Account to myself, any more, but that he was now resolved, upon a very late Order he had had from Court, to undertake a Journey into *England*, as soon as his Collegue came Home. He told me, he was certain (upon what Grounds I could not discover) that *M. Fagel* the Pensioner had very lately said, that for certain *England* would declare against *France* before the 20th of this Month.

THAT the Bishop of *Gurck*, in a late Conversation he had had with him, had owned, how that he, the Bishop, had taken Notice of the *Danes* civil Way of threatening their Allies, in telling them, that if they do not so and so, as they would have them, *they*, the *Danes*, must take other Measures. That to this *M. de Gurck* had replied, he understood well enough what was meant by those other Measures, and was confident the Emperor his Master would be no Loser, whenever the *Dane* should enter into those other Measures.

*M. Cannon* tells me, the last News from *Vienna* is, that the Duke of *Lorain* was like to come strait to the Army, and not to go to the *Tyrol*, as he had before proposed. I remain, &c.

*L. Jenkins.*

*Nimeguen, 7th Mar. 1677-8.*

Right Honourable SIR,

SINCE my last, which was of the 4th, I have the Favour of one from you of the 22th past, and therein a Copy of his Majesty's Offer of his Mediation to the King of *Denmark*, and that King's Answer; by which Answer, the King's Mediation in the Duke of *Holstein's* Business appears to have been wholly declin'd. The coming of this last Letter of yours three Days later to hand than other Letters of the same

## 312 *Letters from the Embassy at Nimeguen.*

same Date, that came by the way of *Amsterdam*, makes me repeat my humble Suit to you, that the Letters you shall please to honour me with, may be directed for the future by the Way of *Amsterdam*.

I troubled you in my last, with a long Account of what M. *d'Olivenkranz*, in his Adieus to me, was pleas'd to say of his Voyage into *England*.

IN mine to him on *Monday*, he observed, that he had no sooner communicated his Thoughts to M. *d'Estrades* of his Voyage, but the *Danish* Ambassadors came acquainted with it; and Count *Antoine*, in Consequence of what came to him from M. *d'Estrades* (as 'tis supposed), declar'd on *Saturday* last, that he had Orders to go over hence forthwith Ambassador into *England*; and that his Secretary and Domesticks went away yesterday, to prepare for his Reception into *London*. Yet I find M. *Stradtzman* and M. *Beccerning* of Opinion, that he is not in any short Time, if at all, to go that Voyage; but that M. *Lindenau*, who arrived here on *Saturday*, will be gone hence for *England* in a Day or two; but I have nothing certain of it, having not seen that Gentleman, tho' I perceive he has visited M. *Beccerning* and (I suppose) others.

M. *d'Olivenkranz*, in the Conversation I had with him on *Monday*, seem'd to be full of the Intrigue that he says is now on Foot between *France* and the Crown of *Denmark*, it is carried on mainly by the Duke of *Hannover*, (who is a Prince of so much greater Intrigues, as he manages them all himself, not trusting any otherwise the writing, cyphering, or uncyphering of his Letters) and partly by the Ambassadors of *France* and *Denmark* upon this Place.

ANOTHER Thing he told me was, that the *French* King would have been content to accept of a Truce for a Year or two, but not of a Peace; during that Truce, he would have had Time and Art enough to break in Pieces the present Alliance that is against him, besides other Advantages; but that he never meant to come to a Peace.

LAST Night, in another Adieu he was pleas'd to give me, I perceiv'd by him he would have me understand, there is no fair Correspondence between him and the *French* Ambassadors at this Time; for it does not appear that he means to take Leave of Messieurs *Colbert* and *d'Avaux*; and M. *Colbert* hath taken Occasion to tell a certain Person, (that should be sure to tell it M. *d'Olivenkranz* again) that they, the *French*, have as much Reason to fear these *Swedish* Ambassadors, as if they were their very Enemies; complaining highly, that M. *Oxenstiern*, in the Journey he made the other Day into *Holland*, and M. *d'Olivenkranz*, in that he makes now into *England*, gave them, the *French* Ambassadors, no Notice before their going.

I take Leave to lay these little Things before you, because I am not certain but that M. *d'Olivenkranz*, considering how Things are like to go between *England* and *France*, may let fall such Discourses, that we may the easier believe *Sweden* is not so close tied to *France*, as is generally thought it is; however, tho' in his last Visit he told me, the Account he had given to M. *d'Estrades* of his Journey was, that his Business would be to prevent, as far as should lie in him, the Rupture between *England* and *France*; yet he was not pleas'd to take Notice last Night of the common Belief here, that the Rupture is now as good as declared, and consequently, that he will come too late.

YESTERDAY M. *Beccerning* favouring me with a Visit, told me, how the *Imperial* Embassy had given him a Visit, with a Design of entering into Expostulations with him; and M. *de Gurck* delivered himself in a long premeditated Speech to that Effect; which was, to remonstrate to him

him how unjust it was, that the States General should enter into Measures with the King our Master, and therein determine what the Emperor should be content with in the Peace, without acquainting him or his Ministers in the least with it.

M. *Beccerning* said, that finding they were come on Purpose to quarrel with him, he was the more careful to contain himself in Temper, and did partly argue, and partly laugh it out : That he had told them, that all that his Masters had done was for the Service of the Allies, by their Endeavours to bring his Majesty to engage in their Party ; but that they, the *Dutch*, had made no Manner of Provision for themselves in the Treaty.

He charged them with telling them, that the Emperor their Master had several Treaties since that made with them ; and those Treaties relating to this War, and his own Advantages in it, without Regard to the Engagements he is under, not to make any Treaty without acquainting the States General with it. Besides, he told them, that if the Emperor liked not what they had done ; he was at an entire Liberty to disown and renounce it.

BUT M. *Beccerning* thinks there is so much done for the Emperor and the Empire, that he, the Emperor, would be satisfied if he saw it ; and therefore that he had written, that the King our Master might be moved to suffer that Part of the Treaty that concerns the Emperor, to be communicated to some one of his Ministers, but with all the Injunction of Secrecy possible.

M. *Stradisman* favouring me with a Visit some Hours after, fell upon the same Theam ; complaining, in his civil Way, that the States General had passed by the Emperor, without due Regard to him, and to his Interest in this War ; for it was hard, he said, to conclude him, without making him in the least acquainted with the Terms ; for, says he, the Business of *Spain* was supposed as a Thing adjusted in the first Place ; in the *North*, there was to be a Cessation of Arms ; these two Things being supposed, the Consequence was, that either the Emperor must have at first Word accepted the Conditions concerted for him, or else, if he did not, the whole Power of *France* was to pour itself upon the Emperor and the Empire.

IN this Complaint, M. *Stradisman* express'd himself in general Terms ; that he had but a melancholy Prospect of these Provinces, and of their lucky Hand to continue longer in the War, the Divisions in *Holland* growing greater and greater every Day, and the Poverty all over the Provinces being very visible ; instead of telling me some Particulars, as I asked him, he was pleased to appeal to the Knowledge I had of some late Proceedings, since the Beginning of *March*, in *Holland* ; meaning, I suppose, that which was reported here these three or four Days last past, that the States of *Holland* had sent Word to the King our Master, that unless it should please his Majesty to declare forthwith, they must submit to a Peace with *France quocunque modo*.

I must not forget to tell you, that M. *Beccerning* (smiling at a Passage in the *French* Gazette, wherein it is said, that the Peace between the two Crowns in the *North*, is labour'd very much here at *Nimeguen*, and in good Forwardness, and that I had been intreated by the *Danish* Ambassador to look over the Treaties formerly made between those two Crowns) told me, it was very much his Wish that Peace were made ; he was confident his Majesty would be able to do it without any great Difficulty ; that his Majesty had caused the States to be spoke to touch-

## 314 *Letters from the Embassy at Nimeguen.*

ing that Affair ; and that he thought it was their common Interest it should be warmly pursued. I remain, &c.

*L. Jenkins.*

*Nimeguen, 11th Mar. 1677-8.*

*Right Honourable SIR,*

SINCE my last, which was of the 7th, we have no Letters out of *England*, and know not when to hope for any, as long as the Wind sits as it has done these four last Days, strong *North* and *N. East*.

ON *Friday*, *M. Spanheim* told me, his Electoral Highness had lately imparted to him from *Ratisbone*, the Communication which the Emperor had last made (as he uses to do from Time to Time) to that Dyet, of the State of Affairs relating to the Peace.

THAT therein the Emperor complain'd, how that he could get no Account from his own Ministers, either in *England* or at the *Hague*, of the Treaty that had been made between the King our Master and the States, nor of the Project as it was laid for the General Peace ; only that his Ambassadors at *Nimeguen* had sent him what was imparted to them by the *Spanish* Ambassadors, and that was all he had now to communicate to them at *Ratisbone*.

THE Particulars relating to *Spain* were, as *M. Spanheim* says, much the same with the Print that goes about, under the Name of the Treaty between *England* and *Holland*. As to the Empire, there was this said, that *Philipsburgh* was to be demolish'd, and *Friburgh* to be restor'd ; the Project, as far as the demolishing of *Philipsburgh*, goes very much to his Electoral Highness's Liking ; and *M. Spanheim* was directed to enquire into the Truth of it here.

ON *Saturday*, the *Holstein* Ministers being with me, to desire me to move the Confederates, to interpose their Offices with the *Danish* Ambassadors, for the admitting of the Duke of *Holstein* into this Assembly, told me, that they were very sure that the *Imperial* Ambassadors here would get them admitted, if the Duke would consent to put the mediating of that Affair into the Emperor's Hands ; but that he would never be brought to take it out of the King our Master's Hands, where now it is.

*M. Oxenstiern*, in a Visit he gave me on *Saturday*, told me, that Count *Coningsmark* is of late well reinforced, there being come to *Stralsund* 22 Ships out of *Sweden*, laden with all Manner of Provision, and bringing a Recruit of 4000 Men on Board them ; that *Coningsmark* has taken several considerable Posts in the *Mecklenburgh* Country, and is return'd with a great Booty of Cattle especially ; which will do well to new stock the Isle of *Rugen* ; and being thus reinforc'd, will be able to march 10,000 Men.

*M. Ducker* delivering me yesterday a fresh Memorial, for his Admission into the Assembly here, told me, he had seen Letters from *Paris*, that spoke great Hopes of Peace, for this Reason, that the King of *Spain* had referr'd it absolutely to the King our Master, to make such a Peace for him with *France* as he shall think fit.

*Don P. Ronquillo* told me last Night, that *M. de Burgomayne* adviseth, that he cannot get the Ministers in *England* to conclude a Treaty with him ; and that he has sollicitd his Majesty himself, that they might do it ; and that his Majesty had excusd the Secretaries in particular, upon their being taken up wholly with attending in Parliament : He was  
very

very earnest with me to let him have in Confidence a Sight of the Project that *M. de Burgomayne* had given in to *England*, till I satisfied him that I had never receiv'd or seen any such Project.

He was much upon the Point of *Ostend*, and upon the Danger that many People, both here and in *Flanders*, do, as he says, think there would be, in putting the only Port they have into his Majesty's Hands without a Treaty; tho' for his Part, he said, he would have chosen to use so great a Confidence, not only as being particularly acquainted with the great Sense of Honour and Justice, that his Majesty has upon all Occasions; but also as judging it would have been, in the present Circumstances, a stronger Tye than any Treaty. I remain, &c.

*L. Jenkins.*

*Nimeguen, 14th Mar. 1677-8.*

*Right Honourable SIR,*

I Have not the Favour of any from you by yesterday's Post, that brought the *English* Letters of the 5th of *March*, to acknowledge; nor hath there any Thing occur'd to me here since my last, which was of the 11th, that I can think worth your Notice. The Expectation here was great, that the Letters of the 5th Current out of *England* would have brought a Declaration of War along with them; it being thought that the taking of *Ghent* would have had that Effect on that Side.

*M. Beverning*, in a Conversation I had with him last Night, does confess, that the Talk in *Holland* is very impertinent and wild at this Time, both against this Government and ours: It is seldom we meet, but he hath some Complaint or other of the *Spaniards*; that which he now happened to enlarge upon was, that they in *Flanders* have decried and forbid the small Coin current in this Country, and yet 'tis impossible for the *Dutch* Soldiery to subsist there without it; the States offering to take back again all their small Coin in *Specie*, that their Soldiery shall use in that Country, and to return them the Value in good Money, or to come to any other reasonable Expedient; but none would be admitted of.

ANOTHER Thing is, they in *Brabant* refuse any Burying-Place to the *Dutch* (tho' of never so good Quality) that die among them; and yet they are bound to assign such Burying-Places to the Subjects of the States in all the *Spanish* Dominions, by an express Article of the Treaty of *Munster*: I wish we may have neither of these Points to dispute with the *Spaniards*, now our Troops are in the Country.

SPEAKING with him of the Occasion that made the Bishop of *Gurck* take a Journey (which I should have advised you of in my last) to *Dusseldorf*, he thinks it may be to help the Duke of *Neuburg*, in relation to his Son's being Coadjutor to *Cologne*; they, the *Dutch*, I perceive, are not without some Jealousy of the growing Greatness of that Duke, partly by marrying his Eldest Son with the Emperor's Sister; and partly by the Coadjutory of one of his Sons in *Cologne*; and of another in *Osnauburg*: Which Project, if effected, may make that House formidable to its Neighbours; and *M. Colbert*, he said, did lately observe it to him, *M. Beverning*, that he might thereby better comprehend, how useful the Alliance, and consequently the Ties of *France*, might be to the States in that Case.

## 316 *Letters from the Embassy at Nimeguen.*

THERE is not, it seems, a thorough good Understanding between the Dukes of *Newburgh* and *Lorain*, and the Occasion of *M. Stradtman's* late Journey to *Dusseldorp*, was in Order to labour with that Duke to set Things right between them.

THE *Dutch* Minister from *Denmark* writes, that the *Dane* makes Account to be early at Sea, and very strong this Year; but for a Land Army, 'tis in no such Forwardness: He confirms what we have this Day from *Hamburg*, that the Dyet at *Helmstadt* hath resolved, that the fourth Man through the Kingdom of *Sweden* shall be armed. I send you herewith a long Memorial of *M. Duckers*, which we had not Time to get written out by the last Ordinary.

I take leave to enclose an Extract that I received this Morning from *Mr. Skelton*, of some Proceedings lately had in the *Aulique* Council at *Vienna*, touching the *Gluckstadt* Toll; the Decree of the Court is, you see, that it be referr'd to the Neighbour States, to inform themselves and certify within two Months; this Course, by the *German* Writers, is made necessary, before the Emperor and the Electoral College can come to a Determination one Way or another; but the Fear is, there will be a Surprize in taking these Informations. I was therefore immediately to communicate this to *M. Beverning*, and he hath charg'd himself to write into *Holland*, that their Ministers at *Hamburg*, and other where, may be quickly directed to look after it; the Elector of *Brandenburgh* hath, he says, given his Consent, that the Toll shall be fixt and levied till *Denmark* do raise a certain Sum; and there are many Reasons to believe the House of *Brunswick* will make a favourable Certificate for the Toll. I acquainted *Mr. Hyde* and *Sir William Swan*, with what is done at *Vienna*; that if they have any Orders to move in this Affair, they may be acquainted with this new Incident. I remain, &c.

L. Jenkins

*Nimeguen, 18th Feb. 1677-8.*

Right Honourable SIR,

SINCE the last, which was of the 14<sup>th</sup>, I have the Favour of one from you of the 8<sup>th</sup> Current to acknowledge; and do humbly thank you for it.

*M. Blaspiel* being return'd hither on *Friday* last from his Highness the Prince of *Orange*, was on *Saturday* with me, to acquaint me of a Journey he was to make (and he begun it yesterday) at the Prince's Request, to *Berlin*. He made it his solemn Request to me, that in Case his Majesty should order any Thing to be propos'd here touching the Peace in the *North*, that *M. Romswinkle* (the *Brandenburgh* Minister now at the *Hague*) might be heard in the Elector's Behalf; his Reason he said for this Motion was, that he had had Advice, his Majesty had some such Thing in Deliberation, and therefore thought it requisite to enter this Caveat, because he himself should be absent for a Month at least; and that in his Absence, the Elector meant that *M. Romswinkle* should appear here for him upon all Occasions.

*M. Christine* told me at the same Time, that the Peace of the *North* was a Thing generally desired by the Allies, each of them being like to have considerable Advantages by it; it would save them, the *Spaniards*, he said, a great deal of Money, that they are forced to employ to make that Diversion; and he hath been spoken to with Earnestness by

by some of the Ministers here, to contribute to the bringing of it about all he can.

M. *Petcum* enlarged much, in a Conversation I had with him on *Saturday* upon the same Subject, desiring I would write earnestly about it, and represent it as a Thing wherein his Majesty would find all Compliance from the King of *Denmark*, and no Difficulty from *Sweden*, which is drawn, he says, very low, and like to be supply'd but very poorly, if at all, by the Dyet lately call'd at *Helmstadt*.

He told me Count *Antoine* was now resolv'd upon his Voyage into *England*, and ask'd me, whether the Count might not speak with me, at least in a third Place before he went. I told him, I was not at Liberty to enter into any Expedient, until it should please his Majesty to take off the Restraints I have been under for a long Time; his Reply was, that it would be a Thing that might be interpreted to the Count's Disadvantage in *England*, that he had made that Voyage, and not paid his Civilities (which he was most desirous to do) to his Majesty's Minister in this Place.

M. *Petcum* and I had some Talk of his accompanying the Count in this Voyage; which, as far as I can guess, he would be very willing to do (for it is upon his Account, and for his Satisfaction, that he is put into the Commission here) but that he fears his Welcome into *England* would be as little favourable as his Dismission was; however, he desired me to write earnestly, and not to spare the using of his Name to his Majesty's Ministers (if I thought it would be in the least considered) for to assure them, that the Peace of the *North* would be easily made upon any Terms his Majesty should think fit.

BUT for the Truce, (which is the Thing that is now at this Time talk'd of) they do no less fear it than they wish the Peace; it will, he says, have this peculiar Disadvantage among many more in it, that those that will enter into it, will not be at Liberty to dispose of their Troops as his Majesty shall desire they should; this was his Discourse and M. *Christine's*, tending to convince me, how easie the Peace of the *North* was to be made; but M. *Blaspiel*, tho' the Nature of the Request he made to me, and my Discourse to him upon this Subject, led him to say, how practicable or otherwise the making of the Peace at this Time would be, did not touch one Word that look'd like an Invitation on that Side; only said, that a good Peace in the *North* would be welcome.

M. *Christine* was confident, they in *Flanders* would take Heart upon the coming of our Troops among them; and speaking of the Diversion that might be made by Sea (which is the ordinary Discourse here) about *Bordeaux*; he desired I would take notice, and make what use I thought fit, of one Truth he could tell me upon his own particular Knowledge; it was, that when he came through *Bordeaux*, this Time two Years from *Spain*, there were some there that, knowing him and his Engagements in the Service of the Crown of *Spain*, did open themselves so freely to him, as not only to complain of the Oppression they were under, but also to assure him, that if *Spain* would send to the Number of 8000 or 10000 Men into that Country, the *French* would find so much Work on that Side, as would give the *Spaniard* all that in the Low Countries they could expect from a powerful Diversion.

He is I perceive upon returning to *Brussels*, having desired the *French* Ambassadors to procure him Passports to that Effect; but whether it be, because that the Marquis *de Tientes* is coming hither to be Plenipotentiary for this Treaty, or for more private Reasons, I cannot tell;



tell; but that the Marquis comes hither, and Count *Egmont* goes in his Stead in *England*, is a Thing resolved on, as M. *de los Balbases* gives out.

M. *d'Acaux* told me last Night, that the King his Master writes them Word of the 3<sup>rd</sup> Current, that he was then in Expectation of what his Message by M. *de Rucigni* into *England* would produce; he said, the King his Master departed not from his first Terms, but would demand *Ipres*; now he was to surrender *Ghent*: He, M. *d'Acaux*, talks, as if the Express that the King our Master sent into *Spain* the 22<sup>d</sup> of *January*, O. S. (and is not yet return'd, as he hath it from the *Spaniards* here) might possibly bring with him such a Temperament, as that the King of *Spain* would declare himself content to depart from some Things; that the King our Master, and these States, demand in his Behalf; and so the Peace would be quickly made.

I told you in one of my last, what the Emperor had communicated to the Dyet at *Ratisbone* of the Project of Peace, and how by that Project *Philipsburgh* was to be razed, &c. I hear that M. *Stradisman* says, the Informations that they, the *Imperialists*, gave hence, was not so positive as that Communication makes it to be; the *Spanish* Ambassadors not having told them any Thing of certain; nay, that all they collected from them had been taken up by Piece-Meals, and by the by; and it is certain, there was a great Coldness between those two Embassies; because the *Imperialists* were perswaded, that the Duke *de Villa Hermosa* did not conceal what he knew of the Project from M. *de los Balbases*; and that they, the *Spaniards*, knowing it, ought not to have conceal'd it.

THIS Day at Noon, M. *d'Estrades* and M. *d'Acaux* (M. *Colbert* being still laid up of the Gout) came to desire my Offices, to speak once more to the *Imperialists*, for the admitting of M. *Ducker* into the Treaty, they having had fresh Orders from the King their Master to renew that Demand; when I had given them an Account how M. *Ducker's* Affair stood with the *Imperialists*, and where we had left it, I charg'd my self to advance it in the best Manner I could be able; but told them, that M. *de Gurck* being out of Town, it would be convenient to stay till his Return, if that was like to be in a short Time, before I propos'd it; their Answer was, that the Nuncio (when they moved the Business to him) desired, and had resolved to defer it till the Bishop's Return. This being over, they told me, they had Orders from their King, to move likewise for Prince *William* of *Furstemburg's* Liberty; and I not being able off Hand to give such an Account as was requested of the Particulars that had pass'd here in his Concern, desired a little Time to look over my Papers, in Order to see, and give them an Account where we left it last, and which Way it would be most natural to move anew in it; they told me, I might take my own Time, and if I saw Cause, I might forbear some Days, in Hopes I might receive his Majesty's Orders, M. *Barillon* having been lately writ to, as they find, to move his Majesty touching the Liberty of that Prince. I have received the Honour of a Letter from his Electoral Highness *Palatine*; the Copy you shall have by the next; for I shall be then able to tell you of some new Demands, and of another Method his Highness is willing to take, in Order to his Pretensions upon the *French*.

*L. Jenkins.*

*Nime.*

*Nimeguen, 21<sup>st</sup> Mar. 1677-8.*

*Right Honourable SIR,*

**S**INCE my last, which was on the 18<sup>th</sup>, I have the Favour of one from you to acknowledge.

HEREWITH goes inclosed a Letter I had the Honour to receive some Days ago from his Electoral Highness *Palatine*; you will find by it, that, not despairing of the Peace, he depends very much upon his Majesty's Offices as Mediator towards *France*, for his being repaired in the Damages he has suffered; for the Particulars, his Electoral Highness is pleased to refer me to his Minister here *M. Spanheim*, who hath let me know, it was his Electoral Highness's Desire, to be satisfied *first* in the Question, Whether *France* will allow him Damages or not? If so, he desires in the *second* Place to know, Whether the *French* Ambassadors will expect that he should go through all the Preliminaries and Forms, as the rest of the Allies have done? Or else, whether they will be content with proceeding summarily to admit and adjust his Damages, and give him Recompence for them? Which he desires might be with the soonest settled, that he may be at a Certainty what to trust to; and to be in his Behalf inserted into the Body of the General Peace.

THIS is the Sum of my Commission, and I spoke with the *French* Ambassadors yesterday upon it severally, for that was a Circumstance I was desired to observe in my Applications; and they promis'd me to advise together, and to give me ere long their Answer.

*M. Spanheim* had given me Commission to let them know, that if his Electoral Highness might be satisfied, that *France* intended to give him any Recompence for his Damages, and would presently enter into an Adjustment with him, he would point such Ways and Means, as that *France* may do it without any great Charges or Burthen to itself: Such as would be;

*First*, THE paying to the Elector those Arrears that are due to him, by virtue of a Treaty made in *France* in the Year 1658.

*Secondly*, THE excusing of him from paying the Duke of *Orleans*, the Portion agreed to be given with Madame.

*Thirdly*, THE finding some Way to recompense the Dutcheſs of *Lymeren*, for the Dowry she claims from the Dutchy of that Name.

*Fourthly*, THAT the Mareſchal *de Schomberg* may be compensated by the *French* King, some Way or other, for that Estate of his that has been confiscated by the Emperor's Decrees within the Elector's Dominions, since the Beginning of this War.

SOME other Points there are, which I may be more particularly inform'd of in Time; but the principal of all is, the razing *Philipsburgh*; upon this Occasion of seeing the *French* Ambassadors, I gave them an Account of all that had passed in the Business of Prince *William* of *Furstemburgh*; they were of Opinion, it was the best Way I should forbear any further Offices, till his Majesty were acquainted with the Motions they now made in that Prince's Behalf, or should please (if he so thought fit) to honour me with his Orders, in Consequence of the Application that *M. Barillon* is order'd to make on that Side, and these Ambassadors on this.

*M. Colbert*, when I was with him upon these Affairs, enter'd into a Discourse of the News of *England*, and the Address resolved on the 15<sup>th</sup> by the House of Commons; one Reflexion he had upon it was, that

that the House had assigned a set Time for the Merchants to withdraw their Effects out of *France*, before the Interdict forbidding all Commerce with *France* should take Place; that the Merchants, by their Petitions to both Houses, had represented the Time (as it is set in the Act) as too short for their Purposes; and yet that now it will be much shorter if the War be declar'd forthwith, for that of itself breaks off all Commerce.

He could give a large Account of the cold Reception our Troops had met with at *Ostend*, and of the Amazement our chief Commanders were in, to see those Places they came to so pitifully provided for; and also of the Impossibility he conceives for the *English* Forces in any great Numbers to subsist, in the pitiful Remainder that is left the *Spaniards* in that Country; that which seemed to me most worth the remarking in his Discourse was, that the *Spaniards* very lately let the *French* understand, that notwithstanding *England* and *Holland* have thought fit to insist upon *Tournay*, as necessary to make the Barrier, yet they, the *Spaniards*, will enter into a Temperament about it, (that is, insist no longer to have it) if by that Concession they may come to a present Peace. But this Offer, he said, they, the *French*, were not to brag of, since it was to go for nothing, being not accepted of forthwith.

YESTERDAY in the Evening, M. *Beccrning* giving me the Favour of a Visit, was much in Pain, for that he says there is a Cessation of Arms, not a short, but a long one, now in Treaty; the Reason, he said, of his Disquiet is, that if there be any other Cessation made but a very short one, in order to a Peace out of Hand, the *French* King will have Opportunity to break all the Measures that can be taken on the Side of the Allies, by his Intrigues in their several Courts: He told me also the Arguments he had used to *Don P. Ronquillo*, to shew the Nonsense of that groundless Calumny that is now on Foot, as if his Majesty and the Prince of *Orange* had a Design to change the Government of *England* and *Holland* respectively, and of their having Intelligence with *France* to that End.

M. *Beccrning* gave me at that Time the Copy inclosed of the Bishop of *Bamberg's* Letter, against some new Pretensions of the Electors; he being desirous, he said, we would be possess'd of all Writings relating to that Controversy between the Electors and Princes, in Hopes we may clear up the Right of these States, who are most concern'd that there be no Surprize or Innovation in it.

IN a Conversation I had last Night with *Don P. Ronquillo*, he seem'd to be much troubled at the Address of the House of Commons, least it should give Offence to his Majesty; he was very inquisitive about the Forwardness of our Levies in *England*, which he thought would be of better Effect in order to a good Peace, than any sharp Expressions against *France*; he told me, their last Letters from *Madrid* (not from the King their Master, but from particular Friends) gave them Hopes, there was a Treaty as good as finish'd between *England* and *Spain*: Sir *W. Godolphin* having had for some Days very long Audiences of *Don Juan*; and that as soon as those were over, he was very much with the Secretaries, but for the Particulars, he said, he knew none.

He told me, the Marquis *de Fuentes* is to come hither a fourth Plenipotentiary; I asked him of Count *Egmont's* going for *England* as Ambassador; he told me, there was such a Report; but I perceive that in *Don Pedro's* Family there is a Discourse, that he himself is to make another Voyage to *England*. I remain, &c.

L. Jenkins.  
Nim-

*Nimeguen, 25th Mar. 1678.*

Right Honourable SIR,

SINCE my last, which was of the 21<sup>st</sup>, I have the Favour of one from you of the 19<sup>th</sup> Current, for which I humbly thank you; that which I have to add touching his Electoral Highness *Palatine* (to the Account I gave you in my last) is, that from the Body of the *French* Embassy, I have no more for Answer upon the Overture I made them, than that *they do not know of any just Pretensions of Damages that the Elector hath to make against the King their Master; that when he shall think fit to make any Propositions, the usual Way of proceeding must be kept to; and that when he has a Desire to re-enter into the good Graces of the King, he shall find him very well disposed to receive him:—* This was the Answer M. d'Avaux brought me.

BUT M. Colbert's Discourse, when I made the Overture to him separately, was not so calm; for he said, that the Elector was so far from having any Right to be repaired in Point of Damages by *France*, that *France* might more justly demand Damages of his Electoral Highness, even more than his Electorate was worth; for that he was the Cause *Philipsburgh* was lost, that the Duke of *Newburgh* and others took Party against them, and that they have lost their Footing in those Parts, &c.

M. d'Estrades was upon another Key, his private Opinion delivered to me was, that the Elector would do no good in putting in Propositions here; that the whole Negotiation was now in *England*; and that the King our Master might possibly get something to be done for the Elector, it being but reasonable there should be a Consideration had in *France* of his Electoral Highness, in Regard of the Dutche's his Daughter.

M. Spanheim will be going suddenly for *England* from his Electoral Highness; he told me, that by the last Post he had Orders to provide himself, his Dispatches being then preparing.

ON Friday the Baron Platt, *Ministre Plenipotentiaire* (that he says is his Stile) from the Duke of *Osnaburg*, gave me a Visit, within very few Hours after his being come to Town; he says, his Master hath reserved to himself the laying Claim to the Right of sending Ambassadors, expecting what those of his House that stir in it will be able to do; in the mean time, that he would not neglect his important Interest, but did send him to attend in this Treaty: He discoursed much upon the Subject of Ambassadors from the Princes of *Germany*, but nothing that I could perceive to be new; he told me how much the Duke his Master, and his Dutche's, rely upon his Majesty's Support, for the perpetuating the Bishoprick of *Osnaburg* (which is now but alternative) in his House; the *Dutch* promised him their helping Hand, but he expects all Opposition possible from the Nuncio, and all of his Communication; he complains exceedingly of the Emperor, in that the Winter Quarters promised the Duke in *Westphalia*, were not in the least made good; yet he is satisfied in that his Highness the Prince of *Orange* and the Duke de *Villa Hermosa*, have done with the Emperor what they have been able for those Troops, which are not like to recruit again.

YESTERDAY in the Evening, M. Stradtsman intimated to me, by way, as it were, of Complaint, that his Majesty having caused, on the 17<sup>th</sup> Current, M. de Burgomayne to be acquainted with his Intention to make a Treaty with the Emperor, *Spain*, and *Holland* together, as soon as M. Benninghen should procure himself a sufficient Power to that

Effect; yet that Count *Wallenstein* had not been spoken to at any Time before or since touching that Matter; tho' he was provided and impowered to enter into any such Treaty when he is called upon, and so are they, the *Imperial* Ambassadors here; the Emperor their Master being resolved not to refuse to enter into any Measures that shall bring us to a Peace that is safe and honourable: But he seemed to be the more troubled, that Count *Wallenstein* is not spoke to, in that the *English* Letters of the  $12^{th}$  Current, do speak the Peace to be as good as made: He told me, he did very much wish, if the War went on, that the Peace in the *North* were finished, and that the Emperor would contribute as much as he can to it; which will be of the greater Moment, in that the Princes that have made Conquests upon the *Swede*, have engaged not to come to final Partage and Disposal of what they have got, but under the View and with the Consent of the Emperor.

M. *Beccering* told me last Night, that our Act of Parliament against the Trafficking with *France*, will put them hard to it in this Country; for if they should promise never so much to conform to us, they shall be never able to do it with Effect; the Example of the Prince, and sumptuary Laws, might, he saith, restrain the Wear of some *French* Manufactures, yet they in this Country cannot live without their Wine, their Brandy, and their Canvas for Sail.

I cannot find either by him or any of the Ambassadors, there is any good Ground for what is here so confidently said, of the Elector of *Bavaria*'s sending to the *French* King, that he, the Elector, can remain no longer Neuter, unless *France* do give into the Project sent it out of *England*: All the Certainty that yet appears is, that the Emperor hath from that Elector a minute Account of all he hath negotiated with the Cardinal *d'Estrée*; I, for my Part, never observed the *Imperialists* here to have any Apprehension that that Elector would declare against them, nor can I find that this Report does incline them to hope that he will declare for them in this Conjunction.

M. *Hengb* made it his Request to me last Night, that I might, by my most humble Representation, either to his Majesty, or to some of his Ministry, endeavour to prevent any Prejudice against them, the *Danes*, for that they have not a Minister in his Majesty's Court, such as the Necessity of their Affairs at this Time requires; that he would have me assure is, that what Peace soever his Majesty should desire the King of *Denmark* to take, he would be sure to shew all Complacency possible in it; if that of a General Peace, 'tis perfectly his Desire; if a Peace only in the *North*, he shall not be averse to it; hoping that his Majesty will preserve him in a Condition, wherein his Neighbourhood may not be of any Burthen, but still of some Use, to the Crown of *England*; and that if his Majesty will enter into a Truce, tho' there can be no such without great Inconveniencies attending it, he will frame himself to it; but if the War is to continue, and his Majesty must enter into it, he will do all he can on his Majesty's Side, and might hope to be useful in some Proportion to his Zeal in the common Cause, if he might be eased of his present Engagements against *Sweden*; he expects, that by the next Ordinary, either Count *Antoine*, or himself, will have Orders to make what Hast they can to pass over into *England*; but in Regard M. *d'Olivenkranz* is there already, and that M. *Oxenstiern* gives out here that he is gone, for that his Majesty had declared, he would be well pleased to have a Minister from *Swedeland* at this Time in his Court: M. *Hengb* is extremely concerned, that his Majesty should be persuaded, that the King of *Denmark* will do all that is in his Power,

as it hath hitherto been, and will be continually his Care, to deserve his Majesty's Affection, and to shew all Deference to his Majesty's Judgment and Desires in any Kind.

HE added, such was the King his Master's Desire, to comply in any Thing that might be acceptable to his Majesty, that if any Thing in the Commerce of *England* with that Kingdom could be proposed, for the further Satisfaction of his Majesty's Subjects, namely, such Things as other Neighbour Nations do enjoy, they, the *Danes*, will be found always ready to agree upon Terms to his Majesty's Content; hoping, that his Majesty having so many Ways in his Power, whereby they, the *Danes*, might find their Account, would not be against their having that by Way of Compensation, that would serve their Turn.

M. *Becceruing* says, there is some secret touching the *Dane*, that his Majesty and the Prince of *Orange* keep to themselves; the Pensioner sends him Word, *sur son Amé*, he knows it not; he believes 'tis something that is altered in the Project, that was agreed on in the Treaty of *January* last; for the *French* here do give out, that that Treaty is varied in some Things; if the Particulars were known to him, he would be able, he thinks, to work with the *Spaniards* here, in Order to get them to agree to what his Majesty and the Prince desire, tho' it should be the quitting of *Tournay*; in lieu of which, he is persuaded, they would be content with something else; and if so, they, the *Dutch*, have Reason to give into any Expedient: He hears the Parliament will not accept of a Peace, tho' *France* should come up to the Project between *England* and *Holland*; but they, the *Dutch*, he says, will accept it with all their Hearts, if it may be so had. I remain, &c.

*L. Jenkins.*

*Nimeguen, 28th March, 1678.*

Right Honourable SIR,

SINCE my last of the 25<sup>th</sup>, there are no *English* Letters come to Hand.

YESTERDAY Morning, M. *Heugh* having taken an Hour of me, came to tell me, that his Colleague Count *Antoine* had just then received precise Orders to go Ambassador into *England*, and to make all the Speed possible; he, M. *Heugh*, made it his Request to me, that I would write to some of the Ministers at Court, to beg the Favour that one of his Majesty's Yachts might come over, and take him at the *Brill*, or any other where on this Side; it would be, he said, a great Honour done to the King his Master's Ambassador; and that Count *Antoine* would receive it with all the Acknowledgment possible.

THE Count, he said, would be going from hence within four or five Days, that he may be at the *Hague*, or as near as can be, to prevent the losing of Time, when the Yacht comes upon the Coast, in Case his Majesty thinks fit to do him the Honour to spare him one.

M. *Heugh* added, that the Count desired very much to speak with me before he went, either at a third Place, or else to call upon me at my House; I charg'd my self with Writing about the Yacht, but desired to be excused from having any Interview with the Count; telling M. *Heugh*, that my Orders were still the same; that is, to insist upon the first Notification and in Form, and that I was not at Liberty to depart from them, or to enter into any Temperament of my own Head.

## 324 *Letters from the Embassy at Nimeguen.*

THIS being over, M. *Heugh* entred into the same Discourse, that I gave you an Account of in my last, of the King his Master's Readiness to comply with his Majesty's Desires, first for a general Peace, if not that, for a particular one in the *North*; if that could not be got, for a Truce; and if that did not take Effect, for continuing the War; adding, how ready he would be to come to a further Gratification of his Majesty's Subjects; in any Point of Commerce, that may be for the Advantage of the Nation; but closing all with a Desire, that his Majesty would be pleased to assure himself, these *Overtures* were very real and sincere; and that he would be pleased, according to his great Equity, not to determine any Thing to the Prejudice of the King his Master, till Count *Antoine* his Ambassador shall have the Honour to lay before him the Particulars, wherein the King of *Denmark* does hope to give his Majesty most ample Satisfaction in every Thing that he shall please to think reasonable. On the other Side, he, M. *Heugh*, thinks the King his Master will hazard his Crown, rather than not have his Conditions something mended in this Treaty, of what it was before, the *Swedes* lying so close upon them in *Schoonen*, that they, the *Danes*, were not safe, he said, in their Beds.

He did not conceal the Apprehension they have of M. *d'Olicenkrantz's* Negotiation in *England*, and of the Advices that are come from all Hands, of his having desired of his Majesty, in his Audience of the 18th, the Princess his Royal Highness's Daughter, the Lady *Ann*, for a Wife for the King of *Sweden* his Master; he could not but Wonder at the Proceedings of the *Swede* therein, as very strange; they, in *Denmark*, looking upon the Match between that King and their Princess as such, that the King could not go back from; it would be so reputed, he said, in the Case of private Persons; and he, M. *Heugh*, had once thought, M. *Oxenstiern* and *d'Olicenkrantz* here had understood it so; for that upon his first coming hither, they had complemented him upon it, as a Thing they doubted not but would be effected, and consequently be the Means of a Reconciliation between those two Crowns.

I did not observe he mentioned one Word of a Contract, nor of a Proxy in this Case; nor did I enter into any Discussion with him about a Matter so nice in it self, and so foreign to our Commission here.

I take leave to send you enclosed, a Letter that I received yesterday by a Gentleman, that calls himself *Deputé* of the Count *de Nassau-Sarbruck*; it will be too long to trouble you with a Deduction of his Pretensions; I have advised the Gentleman to put them into Writing; this Count *de Nassau* is elder Brother to the Lieutenant General of Horse in the Prince of *Orange's* Army. I am, &c.

L. Jenkins. —

*Nimeguen, 1st April, 1678.*

Right Honourable SIR,

SINCE my last, which was of the 28th past, nothing hath occur'd here (that I know of) worth your notice; and the *English* Letters of *Tuesday* being not come to Hand, I shall not enlarge your Trouble at this Time, any further than to assure you of my being very unfeignedly, &c.

L. Jenkins.

*Nime-*

*Nimeguen, 4th April, 1678.*

Right Honourable SIR,

MY last was of the 1<sup>st</sup> Current; I have since the Favour of yours of the 26<sup>th</sup> past, and do humbly thank you for it; more particularly for the Transcript you are pleased to give me of your Letter of the same Date to the *Hague*.

ON *Saturday*, I spoke with M. *Haren* upon the Subject Matter of it; he said, he did not know, whether the Power to M. *Van Beuningen* was yet dispatch'd or not; but acknowledged, there was one Article of Instruction (which must accompany it before any Thing can be done with Effect) that requir'd Time to digest, and would not be ready till the States of *Holland* do meet again, which, he said, will be this Day sevennight.

THE Article is, how far they (in *Holland* especially) will be able to give in to the Demand his Majesty will make, for the breaking off all Commerce with *France*; it is the great Interest, he said, of the Towns in *Holland*, that that Question be well settled; to that End, all that are concern'd in the *French* Trade at *Amsterdam*, are to meet at the Town House there, and to be heard upon the whole Matter; when the Merchants are heard, then the States will deliberate; he said, it was possible the Traders might be content to forbear that Trade wholly; but that he could not see, how they will be brought to it, unless they have a full Assurance, that we and others will absolutely forbear, and break off from that Trade as well as they; for they will never endure that we and others have Advantages, by carrying it on underhand, while they sit still and do nothing. He seems not to be of the Opinion of M. *Beverning*; but that this Country can do well enough without the *Canvas*, or the *Brandy* of *France*.

M. *Colbert* was on *Monday*, in a Visit I gave him, more particular with me, in what I told you some while since, of the Offer the *Spanish* Ambassadors here made to him and his Colleague. The *Ouverture* was made by the Nuncio, that if the *Spaniards* might have *Valencienues* again, they would come to a Temperament about *Tournay*, but expected an Equivalent in some of the low Lands for the *Pais Tournesis*; and it was added, that unless this Offer were clos'd with, and the Peace forthwith made up, it should be taken as if it had never been made; they, the *French*, excus'd themselves, for that they could not hearken to any Thing less than the King their Master's Demands, and for that the whole Negotiation was put into his Majesty's Hands; of this they writ to Court, and their very Letter was sent over into *England*, and shew'd his Majesty; but having had an Answer from their Court to give the *Spanish* Ambassadors, they neither spoke nor heard more of it, for then the Siege of *Ghent* came on, &c. only the Nuncio made them a Complement not long since, by Way of civil Reproach from *Don P. Ronquillo*, in that they had not vouchsafed any Kind of Answer to the *Ouverture*.

I do suppose the *Spanish* Ambassadors here, had had Communication of his Majesty's Project with *Holland* before they made this *Ouverture*; (for the Emperor acknowledges his Ambassadors had had some Light in it from them) so 'tis to me a Wonder, what dormant Power these *Spanish* Ambassadors have, and whether it be from *Madrid* or *Bruxells*,



## 326 *Letters from the Embassy at Nimeguen.*

in Matters of so great Importance, that were known to be at that Time in his Majesty's Hands.

M. *Colbert*, in the rest of his Discourse, was very much upon the Strength and Safety that *Flanders* would be in again, if the Places that *France* offers to restore were accepted of, and a Peace made upon it; yet I find his Discourse to M. *Christine* (not long since) was upon another Key; that *Flanders* will cost the *Spaniards* too much to keep; that as the *French* Frontiers are now advanced, they will be able to render themselves Masters of it when they please; therefore that it would be no ill Policy now to part with it, and make their Terms better some other where.

JUST at Noon, the three *French* Ambassadors having taken an Hour of me, came to deliver me a Declaration (as they said) of the King their Master's Mind, whereby we might know, upon what Terms the Peace might be had; he having brought his Resolutions to a Point, and leaving it to those that are in the War against him, to take their Choice, either to accept of those, or to continue the War.

M. *Colbert* spoke all; (the Marshal having referr'd himself to him) telling me, that the Detail of what was to be said, required a very good Memory; he begun with *Flanders*, and was very particular in naming, not only the Places the *French* King would restore, and the Places that he pretended to retain, but also a great many little Towns, as *Chastellanies*, and Dependencies; he will restore *Ghent*, but will retain *Ipres*; he must keep *Dinant*, unless he may have *Charlemont*: Other Things are to go much according to the first Offers that King is said to have made to his Majesty. From *Flanders*, he went to *Germany*, and then declaring the great Zeal his Majesty has for the Treaties of *Westphalia*, he would have nothing chang'd in them, only, in Case the Emperor detain'd *Philipsburgh*, he would keep *Eriburgh*.

THEN he went to *Lorain*, which that Duke may have restored to him, either as it was proposed in the Treaty of the *Pyrenées*, or else he may have it entire; (*Marsall* and the *High-Ways* remaining to *France*, as they are already adjusted by Treaties) with the yielding of *Nancy* to the *French*, and accepting *Toul* in lieu of it.

FOR the States General, he said, the Treaty of Commerce would be agreed to near about the Matter, as M. *Beverning* and they have come to an Understanding about it; and for the Barrier they have so much insisted on, he hoped there was a very sufficient one now left them.

ONE Point, he said, the King his Master did insist upon, as indispensably necessary, and antecedent to all the rest: It was the Restitution of his Allies; he named *Sweden*, and its Ally the Duke of *Holstein Gottorp*, then the Bishop of *Strasburgh*, Prince *William*, and that whole Family.

THE Close was, after a large and often repeated Declaration of the Desires the King his Master had of a Peace, that he would be content to tie himself to these Terms till the 10th of May; but if they were not accepted by that Time, he intends to be free, as if they had never been offered.

It being our Manner here to recapitulate what is said or recommended to us in any Kind, I told the Ambassadors, I would endeavour to do it; yet in Regard of the many Particulars that had been delivered, I could not hope to retain all; and that my Memory would need some further Assistance from them, or else I should not be able to give his Majesty that Account I ought, of an Affair of this Importance; they told

told me, I need not be solicitous of that, for what they had sent them from Court upon this Subject, was but a Transcript of their King's Letter to M. *Barillon*: They had indeed Orders, they said, to give me, as Mediator, a Relation of the whole, but they had no Office of mine to desire upon it, because nothing of it was to be negotiated here; only they are concerned, that all the World should know upon what easy fair Terms *Christendom* may be restored to Peace; and they hoped his Majesty would be able to make that Use of it, as to bring the last Resolutions of those that are in War against *France* up to these Terms, now that he hath the very last Word that their King will come to, committed to him.

M. *Colbert*, as he mingled many Things touching the King his Master's Force, and fair Prospect of further Conquests, but that he is willing to sacrifice all to the Repose of *Europe*, so he said the War would be after the 10th of *May* carried on probably with a bigger Force than hitherto hath been seen; and particularly, that there would be such an Impression upon the *Catalonian* Side, as would quickly make the *Spaniards* repent of their having refused a Peace upon these Terms. He did not mention *Sicily* at all, tho' he left no other Place that *France* is concern'd in unmention'd.

I suppose this Declaration they intend to make to all the Ministers here with Pomp; for M. *Colbert*, tho' he be not yet recovered of the Gout, was brought in a Chair to my House, that the Embassy might be compleat upon this Errand.

You will find by the inclosed Letters, which we have from *Don P. Ronquillo's* Secretary, how the News of *Messina* is confirmed; and the Letters come in this Day to the *Imperialists*, speak the Duke of *Lorain* to be on his Way within a Day's Journey to his Army. I am, &c.

*L. Jenkins.*

*Nimeguen, 6th April, 1678.*

*Right Honourable SIR,*

**I**N the close of my last, which was of *Thursday* the 4th Current, I gave you the best Account my Memory was able to furnish, of what the *French* Ambassadors had discoursed with me that Day at Noon, tho' I did move them for the Liberty to take some Extract for the Help of my Memory; they telling me, the Recapitulation I made them, shewed me sufficiently to retain the Substance of the Thing, and there was no need of any more; only if I should find it necessary, I might send a Secretary over to M. *Colbert's* the Day following, which was yesterday, after their Post should be gone, and then a Secretary of theirs should dictate the Substance of what had been said: I sent to M. *Colbert's* accordingly, and his Secretary gave mine the inclosed Memorial.

I thought it lay upon me to impart the Discourse that they, the *French* Ambassadors, had made to me, to the *Dutch* Ambassador M. *Haren*, in the first Place, in Regard of the present Measures that are between his Majesty and this State; and then to do further, as he and I, upon Consideration of the whole Matter, should think most proper. I could not speak with him till yesterday Morning, he having spent all the Evening before at the Assembly of the Allies: It was his Opinion, when I proposed it to him, and so it was mine, that notwithstanding the

*French*

*French* had not made any Sort of Request to me, to communicate to the Allies what they had discoursed to me, I should do best to give them an Account of it, as a Thing that, in Regard of the Function I had the Honour to serve in here, was proper for me to impart to them, and leave it with them; adding no more, but that I should be ready to receive their Orders upon that or any Thing else.

THEREUPON I went to the *Imperialists* and the *Spaniards*, then to M. *Hugh* and M. *Cannon*, making a succinct Relation of the Thing, but telling them withal, I did it not as being thereto requested, but that I imparted it to them as an Incident come in my Way, that did directly and immediately relate to the Negotiations of this Place.

THE *Spanish* Ambassadors asked me, while I was with them at M. *de los Balbaes*, whether I, as Mediator, gave them that Relation, as a Proposition from the *French* Ambassadors, and whether I expected an Answer upon it; they told me, the Reason why they asked me that Question was, for that the Nuncio, about half an Hour before, had delivered the same Thing in Substance to the *Imperialists* and them, as a Proposition that had been formerly made to the King our Master, and now repeated to him, as one of the Mediators, in order to be communicated to those Allies with whom he mediates; and that they had given them their Answer upon it, whereof they were pleased to put a Copy into my Hands, which goes herewith: My Answer was, that I had no Commission from the *French* Ambassadors to that Effect; that the *Duties* of my Function led me to do what I did; but that if they had any Answer or Communication to charge me with towards the *French*, I would receive it, and give them the best Account I could.

HAVING done with them, and afterwards visited M. *Hugh* and M. *Cannon* at their Houses upon the same Errand, I went strait to M. *Colbert* (for Fear of my being in a Mistake) to acquaint him with the Question that was made me at the *Spanish* Ambassadors, and with the Reason that was given for it; the Nuncio having, it seems, delivered their Discourse as a Proposition, and I not; and he having had an Extract in Writing of what had been imparted to him, and left it with the Allies, and I none; he, M. *Colbert*, fell into some Passion, and utterly disavowed what the Nuncio had done by way of Proposition; saying, their Desires to him, and after to the Auditor, were very express, not to pass any Offices at all with the Parties, but only to make such a Publication of the Thing, as he in his Discretion should think fit; and as for the Extract, he said, the Nuncio being earnest with him to have something to help his Memory, they had laid the Memorial (whereof the Copy goes inclosed) before the Auditor, and had taken such Notes out of it in *Italian* as he thought fit.

THIS Morning M. *Haren* giving me the Favour of a Visit, told me, the *French* Ambassadors did disavow what the Nuncio had done in advancing any such Proposition from them to the Allies.

AN Hour after, M. *Colbert* came to tell me from his Colleagues (he said) and himself, that they did not mean what they had discoursed unto me as a Proposition, or that they could enter into any Debates upon that they had discoursed, but that they had since been with the Nuncio's Auditor, and acquainted him, that if he, the Nuncio, had offered any Thing yesterday by way of Proposition to the Allies, it was not according to their Meaning; and that if he had any Answer to give them, they would receive none, unless it were a plain one, by way of direct Consent to the Things as they were proposed; that he came to advise me of the same Thing; and that if I should be charged with any Answer  
from

from any of the Allies towards them, they should not be at Liberty to receive it, unless it were a downright Acceptance of every Thing.

I could not choose but observe to him, (he enlarging upon the Effect this Declaration ought in all Reason to have for the justifying of his Master) that the Term to the 10th of *May* was so short, it was impossible for the King of *Spain* and the Emperor to know it Time enough, if they should be willing to accept the Conditions. To this he told me, that these Propositions had been in the King our Master's Hands for about these 4 Months, and therefore that they did know them, and might have accepted them long ago; but when it was observed to him, that that could not be as to all of them, since the Demand of *Ipres* is but very lately added to them; his Reply was, that the *Spaniards* not having accepted them before the Siege of *Ghent*, must make Account to lose something by it.

IN this Conversation he said, that in his private Judgment the dissolving of this Assembly would suddenly follow, in Case the Peace be not made before the 10th of *May*, *ce seroit un peu honteux* (those were his Words); for the King his Master to be one of the last that should call his Ambassadors hence: He said further, that as this Memorial was not intended for a Proposition to the Parties, so it was not meant a Manifestation to the World; he thought the King their Master would expect the Issue of the 10th of *May*; and then if he must continue the War, he would justify his Proceedings to the World by a more ample Deduction than this is.

THIS Incident seems to me of that Importance, that I cannot but send it away with Hast by one of my Servants; for the *French* Ambassadors saying, they will admit no Debate upon the Paper, nor receive any Answer to it, but a single *one*, they seem to me to break off all Negotiation here: And they intend not this Writing for a Manifesto, but insinuate withal, their Master intends it for his Justification; and I am credibly informed, there are several Copies of it gone Abroad already; besides that, they say there will in all Likelihood a yet larger Deduction follow ere long: Another Thing is, they do, according to my Understanding, set too hard the Business of *Sweden*, as you may please to remember they did that of Prince *William*, upon his Majesty. Only they are pleased to contradict themselves in one and the same Line; for *ayant positivement promise*, is so qualified by *fesant fort*, that it is, to my thinking, no more than the promising good Offices; which Promise cannot be understood to be positive in the Sense they would have it, it being at most but an undertaking for that which is out of one's own Power, and in the Power of a third Person; this I take Leave to hint, for that I find the *Spanish* Ambassadors, and M. *Heugh*, much troubled at the Expression, and they ask of me some Explication of it: This and the rest I most humbly take Leave to submit to his Majesty's Reflexions and Pleasure, and remain, &c.

*L. Jenkins.*

*Nimeguen, 8th April, 1678.*

*Right Honourable Sir,*

IN the Dispatch I troubled you with on *Thursday* the 4th Current, by the Ordinary, (since which I have not the Favour of any from you to acknowledge) and in another of *Saturday* the 6th, which I sent by an Express that went hence yesterday Morning; I gave the fullest

Account I was able, of the Discourse the *French* Ambassadors had made me, touching the Conditions upon which their Master will make the Peace; by that Express, I sent you also the Memorial itself, and what had followed upon it.

YESTERDAY in the Evening M. *Heugh* was with me, to desire a Copy of it, telling me it was common enough about the Town, but that he chose to ask it of me, having understood, he said, I was at Liberty to give it: His Notion was, that it was to the Advantage of the Allies, that a Declaration of so much Height, and so little Reason, should be made known to the World. He said, M. *Colbert* did two Nights ago, in an Assembly of mixt Company, value much the *French* Counsels upon it; saying, it was for the greater Glory, and would be for the greater Advantage of his King, to make this Declaration, and even to raise his first Terms and Demands, at a Time when the Parliament of *England* made their Menaces against them.

ON *Saturday* M. *Oxenstiern* was to desire my Office in the Behalf of the Duke of *Holstein* with the Allies, who are some of them much offended, to find that Duke become Part of the Care of *France*, and declared in this Incident to be an Ally of *Sweden*; M. *Oxenstiern* and the *Holstein* Minister seem to fear the King of *Denmark* may take Advantage from this Declaration, and fall foul again on that Duke upon this fresh Occasion; therefore I thought safest not to give that Clause in it to M. *Heugh* in Writing, before I speak with the *French* upon it, who may, if they please, give it a fair and true Explication; for he is no Ally of *Sweden* in Reference to this War with *Denmark*, but upon other Occasions that cannot be taken Exception to.

M. *Oxenstiern* asked me, whether the *French* had in their Discourse to me said, that the King their Master intended the Peace should be treated here at *Nimeguen*, and not elsewhere; they having told him, they had Orders so to declare; but I cannot call to Mind any Thing in their Discourse, nor do I see any Thing that is in their Power to that Effect. He hopes to congratulate ere long with me, upon the good Success of M. *d'Olivenkrantz* his Negotiation in *England*, a Secretary being arrived there with Instructions of the utmost Importance, in order to a stricter Union of both Crowns. He, I perceive, should have been the Ambassador into *England*, had not M. *d'Olivenkrantz* been gone already: The *French* Ambassadors make Account, he says, to employ all the Force they had in *Sicily* in *Catalonia*, and have assigned a Being to the *Messinensis* in several Places in *Provence*.

THE same Evening, M. *Stradtsman*, favouring me with a Visit, after a Conversation upon several Matters less important, entered into a very serious Discourse of the great Propension the Emperor his Master hath for his Majesty; he having acquainted them, his Ministers here, with his earnest Desire to enter into the strictest Alliance and Confidence possible with the King; which he had Orders, he said, to make known to me: The Emperor, he said, wanted more Light in the Affairs now on Foot, than that he had from his own Ministers. He would not, he said, enlarge upon the just Pretension the Emperor hath, in Regard of his Alliance with the States General, to have a fuller Knowledge than he hath had of the Progress of the Peace, and Messages that passed backward and forward, he having no Commission to complain of any such Thing; but he was ordered to tell me, that the Emperor relies upon his Majesty's known Generosity and great Equity, in relation to the Care of *Christendom*; and is confident, will, out of his known Care for all the Parties, as their General Mediator, have a just Regard to him, the Emperor,

peror, and his particular Interests. It was well known, he said, that the Emperor entered not into this War for any End of Glory or Conquest, he was forced into it for his own Safety, and the preserving of his Neighbours: If his Majesty do enter into the War, all the World will see, and say, it will be upon the same Motives, and with the same Principles; and that will still be a new Engagement, greater than ever, to the Emperor, to use all Means to manifest a sincere Friendship on his Part, and a Zeal to give his Majesty all Satisfaction in his Power: And tho', he said, *England* and the Empire are at such a Distance asunder, that there hath not been of late any Intercourse of Moment between the two Nations, yet a strict Alliance between them will be always considerable and useful, but especially at this Time, when their Forces, if well concerted, as they may be, will (with the Conjunction of others, whose Interest will bring them into the Party) be able (under God) to procure a good Peace, and also be the Means to maintain it. One Thing he repeated pretty often, that his Majesty may reckon for certain that the Emperor will be able to bring a good Army of between 30 and 40,000 Men every Year into the Field, and that constantly, tho' the War should continue long. 'Tis true, he said, in one Thing they, the *Germans*, will be always short, they will never be able to come into the Field till the Month of *May*, when the Forage is grown; but when they do come, they will be found to be good Men, not inferior to the *French*; this he said, that as long as pleased God they have not a War with the *Turks*, the Emperor will have an Army (tho' *Bavaria* and *Hanover* should still refuse their Quota) that will amount to that Number. This was his Discourse, and it seemed to me much premeditated. He said it would be a Favour to him, if I would charge myself humbly to intimate to his Majesty these Propositions of the Emperor, and likewise represent to him, that the Force which the Emperor is able of himself to keep on Foot, is not so inconsiderable as possibly it is said or thought to be on that Side; the Army for this Year being in all Respects as good as it was the last Year, and most of the Recruits, which are very great, being out of the Hereditary Countries only. What this should mean, especially in this Conjunction, I humbly submit to you to determine; if his Majesty should think fit to have any Thing said upon it, you will please to favour me with your Directions.

I perceive by him and *M. Hengb* too, that there is an Apprehension among the Allies, that the *Hollanders* interesting themselves as much as they do, for continuing some Sort of Commerce with *France*, may bring long Delays, if not Obstruction, upon the Quadruple Alliance, notwithstanding that there be a Power dispatch'd to *M. Van Beuninghen*; *The Governours*, said *M. Hengb*, in such Cases must yield to the People; that was the Excuse the Pensioner made to the *Danes*, when they of *Holland* had made a Treaty of Commerce with *Sweden*, expressly against the Agreements between them, they having been forced to it by the Clamours of their People. I remain, &c.

*L. Jenkins.*

*Nimeguen, 11th April, 1678.*

Right Honourable SIR;

SINCE my last, which was of the 8th, I have the Favour of yours of the 5th Current to acknowledge; it brought with it Matters of great Joy to *M. Hengb*, in that his Majesty is pleased to order a Yacht

## 332 *Letters from the Embassy at Nimeguen.*

for Count *Antoine's* Transport; for they (the *Danes* here) had been alarmed, that the *Swedish* Ministers on that Side did labour, and had put in a Memorial in Writing, in Order to divert his Majesty from doing the Count that Honour.

M. *Heugh* told me yesterday, the Count sets forth hence to Morrow: He will be sure to have that intimated to him by M. *Petcam*, which you are pleased to suggest, touching our Commerce in the *Zundt*, &c. before he goes: M. *Spanheim* is like to bear him Company; his Orders to go to *England* being come to Hand yesterday by Express.

M. *d'Estrades* hath given out, that Count *Oxenstiern* hath Orders (which he had communicated to the *French* Ambassadors) to go Ambassador into *England*; but M. *d'Avaux* understands it, that he should have gone, if M. *d'Olivenkranz* were not there already; for when the Orders for M. *Oxenstiern's* going were given, it was not known that M. *d'Olivenkranz* was gone into *England*. Count *Oxenstiern* was with me late last Night, to desire my Offices towards the *Dane*, and the rest of the Allies, upon the Memorial touching the Duke of *Holstein* that goes herewith, but did not tell me any Thing of a Voyage into *England*.

ON *Monday*, I was with the *French* Ambassadors, to insinuate to them, as I had been requested by M. *Platen*, that I was possessed of the Power that the Prince of *Osnaburg* had given his Minister; that I was authorized by him to exhibit in Form, as soon as they should desire it; and that he desired to see a *Contre* Power from them, such as the Elector of *Brandenburgh* hath had produced to them.

THEIR Answer was, they had no *Contre* Power to produce, nor would they write for any; the King their Master being resolved not to exceed the Number of five, he had long since agreed to, and given out; that his Minister must joyn himself with one of the five principal Allies, (the Emperor, *Spain*, *Denmark*, *Brandenburgh*, or the *Dutch*) and that they would not so much as reproduce again in his Consideration, any one of the Powers that they have already exhibited; nor do they desire, they said, to see his Power, but are content it should be in my keeping.

YOU will find a Clause in this Power, whereby the Prince reserves to himself the Security of giving his Minister the Character of Ambassador: I telling him that Clause will never pass, we being here so strictly tyed to the common Form; he has acknowledged, that the Allies themselves (among whom he is to be admitted this Day) took Exceptions to it; so that if he is continued, he must get another Power, that hath no such Clause, as he will, being to go to Morrow for *Osnaburg*.

HE would have me pass the same Office with the *Swede*, tho' he had no particular Power to produce for treating with *Sweden*; he thought that the Allies of the *French* King, being mentioned in the Power to treat with him here, needed no more: But I shewed him, how the Elector of *Brandenburgh* had furnished a distinct Power to treat with the *Sweedes*, in the very same Terms as that which was for the *French*.

IN this Conference with the *French*, I acquainted them, how his Highness the Elector *Palatine* had desired I would give his Minister here, in Writing under my Hand, the Answer they, the *French*, had given me upon an *Overture*, I had some Weeks ago made to them in the Elector's Behalf; being not at Liberty to do it by the Stile of this Assembly without their View, their Answer was, that the *Overture* I made them coming from M. *Spanheim*, who hath no Power (they know of)



to negotiate here, they could not consent to my giving in Writing what passed between me and them: Besides, they observed to me, that I had produced no Writing to them, and that they understood what I laid before them, not as Matter to be treated upon, but as Means conducing to give Ease to his Electoral Highness in the Way of treating.

THEN I acquainted them, how I had passed my Offices on *Friday* last with M. *Kinski* and *Stradtzman*, in the Name of M. *Ducker*, as Party principal, for his being admitted, and his Proposition received in the Behalf of his Master; then, I acquainted them, the *Imperialists*, how they, the *French*, had been with me, on Purpose to second M. *Ducker* in this Point; and besides, had desired me to renew my Instances for the Liberty of Prince *William* of *Furstemburgh*. That the *Imperialists* had answered me, that those two Points had had a good while since a full Answer given upon them, and were according to the Sense and Directions of his *Imperial* Majesty; and that they had not since understood any the least Change in the Emperor's Mind. Here M. *Colbert* broke out into some Words of Heat, saying, *C'estune Declaration formelle que ils ne veulent pas la Paix.*

THE last Thing I mentioned to them, was the Alarm the *Holstein* Ministers are in, upon the Mention made of their Master in the *French* Declaration, that they had required my Offices to give such an Explication to it among the Allies, as would save him from being reputed an Ally, either of *France* or *Sweden*, in this War: That I had answered, I should not take upon me to give an Explication to their Words, without I should be first authorized by them to do it; they told me, that what they had done, having first had their Master's Leave, was at the Request, and with the Allowance, nay even in the very Words of those Ministers, and M. *Oxenstiern's* too; so that they would do no more in it, but leave it to those that had set them on Work, to find out, and give me what Explication should be most for their Turn; or else to let it alone.

ON *Tuesday*, M. *de los Balbases* favoured me with a Visit, to thank me for the Part I had given him and his Colleague, of the Discourse the *French* Ambassador had made me, upon the Conditions of the Peace; it was a Wonder, he said, why they should be so shy in giving me a Copy of their Declaration, since it became so common, that his Caterer did, on *Saturday* Morning, upon the Market Place, buy of a *French* Lacquey, several Copies of it at six Stivers a Piece; this Way of dispersing Copies for six Stivers a Piece was told me of by several Persons besides.

THE Marquis told me, (as he was pleased to say) that *Don P. Ronquillo* would be going within two or three Days for *Flanders*; the Pretence given out is, to look after his particular Affairs; but is in Truth to remain there, and be assisting in the Government; the Marquis says, he hath been the Author of this Counsel to *Don Juan*, for the Experience *Don Pedro* hath in the *English* and *Flemish* Affair. He was pleased to entrust this with me as a Secret I might write of to Court; but I find 'tis far from being so; nor is it told but with Disadvantage to the Duke *de Villa Hermosa*.

IN the Afternoon, *Don Pedro* himself did me the Favour to give me a Visit of Adieu; he does not, he says, give up his House here; and being named Plenipotentiary still in the Marquis *de Fuentes* new Power, he will be sure to return, if there be any Business. He told me, the *French* in their Discourse to the Nuncio on this Day sevensnight, about the Conditions of the Peace, had set it hard upon his Majesty,



## 334 *Letters from the Embassy at Nimeguen.*

as if their Conditions had been a long while in his Majesty's Hands; and that he had done nothing upon them, *ayant d'autres visées*, &c. This seems to me the more likely to be so, from the very Answer (which I sent you by the Express) that the Allies gave in *Italian* to the Nuncio, when he imparted to them on *Friday*, what he had heard from the *French*.

M. *Heugh* told me yesterday, that M. *Colbert* had told him, that altho' it might be expected that some fair and obliging Mention should have been made of the Prince of *Orange* in his Declaration, and thereby the World see, that *France* had a Regard to his Interests and to his Advantage; yet they chose not to do it, and to pass him by, not doubting, but that the Prince will in Time find, that he hath more need of the *French* King's Protection, than the King hath of the Prince's Friendship. I gave you such another harsh Expression of M. *Colbert's* touching *England*, in my last; what Use or Judgment is to be made of such Relations, I wholly submit, and am, &c.

*L. Jenkins.*

### To the Prince Elector *Palatine*.

*Nimeguen, 2<sup>th</sup> April, 1678.*

*May it please your Electoral Highness,*

**I**T is an infinite Condescension in your Electoral Highness, to give your self the Trouble, even with your own Hand, to let me know, that my little Offices here are not unacceptable to your Electoral Highness; tho' at the same Time, I have Reason to be dissatisfied with my self, since it is impossible for me to bring my Performances to bear any Proportion to the Duty I owe, in the Concerns of your Electoral Highness, to his Majesty the King my Master's Content, nor to the Zeal I have for your Electoral Highness's Service.

M. *Spanheim* will, I doubt not, have given your Electoral Highness an Account by the last Post, of my being not at Liberty, without the *French* Ambassadors Leave and Approbation, to give any Relation under my Hand in Writing, of the Offices I had pass'd with them by your Electoral Highness's Commands. It must not be denied, but that it hath been more than once decided in this Assembly, that the Mediators ought not to give any Account in Writing, of what may have pass'd between them and any of the Parties, without the Knowledge and the Leave of that Party, with whom they have pass'd.

THE *French* Ambassadors could not, they said, in this Case, allow there was any Answer regularly to be made to my *Overture*; for that M. *Spanheim* (tho' a Person they profess to have a very great Esteem for) wanted that which they reckon to be fundamental; that is, a *Plénipouvoir* in due Form.

I produced to them the Letter I had the Honour to receive from your Electoral Highness; whereby it is your express Pleasure, I should give M. *Spanheim* Credit, and order my Offices as he shall desire and suggest: I urged to them further, what M. *Spanheim* had read to me upon this Point, out of your Electoral Highness's own Letters; but all without Effect. They confessed to me, that I am not to refuse my Offices to any of the Parties in the War, tho' their Ministers should happen not to be authorized in Form; yet they observed to me withal, that the adverse Party was at Liberty to suspend all Answer,  
and

and to excuse himself from entering into Matter till the Preliminaries be complied with.

M. *Spanheim*, when I had given him an Account of my ill Success upon the first Memorial, dated the 28<sup>th</sup> of *March*, gave into my Hand a second Memorial, dated the 30<sup>th</sup> of the same Month, signed likewise by your Electoral Highness.

I shall humbly take Leave to lay this last Memorial before your Electoral Highness in all its Parts; upon some of which I shall, without Delay, pass my Offices; upon the other, I think it safest to expect your Electoral Highness's further Orders before I proceed.

*First*, IT is your Electoral Highness's Pleasure, I should represent to the *French* Ambassadors, that your Electoral Highness is in Hopes the Most Christian King will not take it amiss, that your Electoral Highness continues still to make Use of the King my Master's Interposition.

*Secondly*, YOUR Electoral Highness is persuaded, that the Most Christian King will, of his Goodness and Equity, have a Regard to your great Losses and Sufferings by this War, and that it is in this Sense that your Highness receives, with all due Respect, the *Ouwertures* that the *French* Ambassadors have made of the King their Master's Friendship for you.

*Thirdly*, THAT your Electoral Highness (that the Peace may suffer no Delay upon the Account of your particular Interests) is willing to wave all Capitulations, much more all Disputes with the Most Christian King upon those Pretensions, that your Electoral Highness conceives otherwise to be very just, and to refer them to the Most Christian King himself, to the End he may please (when he shall be disposed to make a Peace with the Empire) to choose such Means, as he in his Generosity shall judge most proper, towards repairing, in some Measure, the great Losses your Electoral Highness hath suffered by the War; whether he please to do it of his own proper Motion, or upon the good Offices of the King my Master, or else by Stipulation upon your Electoral Highness's Case, to be made Part of the General Treaty of Peace.

UPON the two first Points, there is no Difficulty at all, why I should not forthwith pass my Offices, nor yet upon this third Point; but that your Electoral Highness seems to make the demolishing of *Philipsburgh*, and the Benefit of the *Westphalia* Treaties, to be necessary Conditions, without which it does not appear that your Electoral Highness would acquiesce in either of the three several Ways whereby you propose to come to an End of the Differences with *France*, or would enter upon Treaty with them.

YOUR Electoral Highness will have receiv'd by the last Post, I doubt not, from M. *Spanheim*, the Declaration that the *French* Ambassadors have given Abroad here (tho' in an odd Way), of the Conditions upon which the King their Master is willing to make a General Peace. Your Electoral Highness will have observed therein, how the demolishing of *Philipsburgh*, and the due observing of the *Westphalia* Treaties, is made to depend upon the Resolution of the Emperor and the Empire; so that if I, in my Offices, should advance either of these two Conditions, or both of them, as requisite, before any Negotiation should be entered into, on the Behalf of your Electoral Highness, I fear it would be taken for a Step made rather to put backward, than to forward your Highness's good Intentions.

A *fourth* Thing that I crave Leave to submit to your Electoral Highness's great Wisdom is, whether it be not a more proper Season then to mention the Contributions and the Reprisals, which your Electoral High-

## 336 *Letters from the Embassy at Nimeguen.*

Highness's Forces have made upon the *French* Subjects and their Allies; when the Demand is made (whether of Reparation with ready Money, or of Compensation by Ways equivalent) for the Damages which your Electoral Highness hath sustained. 'Tis probable the *French* will not forget this Matter of Reprisals and Contributions, when they come to debate the *Quantum*; and 'tis as likely your Electoral Highness will so moderate the first Demands, from what they might really have been, that the Reprisals and Contributions will easily appear to have been discounted very sufficiently, in that no greater Damages are brought to Account.

THE last Thing I beg Leave to submit to your Electoral Highness is, whether it be not more convenient, not to mention at all the Resentments which the Most Christian King may have entered into against your Electoral Highness: I confess what the Memorial hath of it, is in very decent Language; but the Ministers here will be sure, notwithstanding any Thing that may be said of ill Offices, to take it for granted, their King was all along in the right. Besides, it is a fundamental Rule, which the King my Master hath given us his Ministers here, to avoid most industriously all Mention of Resentments, Misunderstandings, ill Offices, or any Thing else that may revive the Memory of those Things that were Ingredients to the present Breaches.

I most humbly beg Pardon for this great Trouble I have given your Electoral Highness; what is plain and safe in the Memorial, as the two first Points are, I shall, as Occasion suits, do my best Offices upon, in order to entertain the *French* Ambassadors, in the Confidence they have of your Electoral Highness's earnest Desire to return into all good Understanding with the Most Christian King, and to let him see how easy your Electoral Highness is to be contented in your just Pretensions: For the following Points, since they seem to me to have Difficulties in them, I will humbly wait your Electoral Highness's further Orders, which shall be executed with that Zeal and profound Respect, which is due from me, who am, &c.

*L. Jenkins.*

*Nimeguen, 15th April, 1678.*

*Right Honourable SIR,*

SINCE my last, which was of the 11th, we have no *English* Letters come in: Count *Antoine*, they say, will not stir hence, till he hear that the Yacht is come upon the Coast; he hath a Person on Purpose at the *Brill*, in order to advise him as soon as ever it appears, finding it less inconvenient to expect the News to be sent him hither, than to wait for it there, or at *Rotterdam*. M. *Spanheim* went yesterday hence, hoping to pass in the same Yacht, but he hath an Audience to take at the *Hague*, if it may consist with that Conveniency. M. *Heugh's* Journey into *Flanders* is a Thing talk'd of for certain, but the Day is not yet fixed. M. *Christine* goes this Day for *Brussels*, about his particular Affairs, and will be back, as he told me last Night, within a Fortnight. Don P. *Ronquillo* makes Account to follow him in two Days.

I thought I could not do better than to make Choice of M. *Petcum*, to insinuate to him the Pretensions we have upon *Denmark* in Matter of Commerce; for that his Concern is particular for the Honour and good Success of Count *Antoine*, and he is very well heard in that Court in all Matters of Commerce, having made it his Study a long Time. He told me,

me, he had before he came away for this Place been acquainted with our Case, and had taken some Pains in it ; he thought the Ministers of *Denmark* had 'ere this adjusted it with us, and does not deny but we have such an Article of a Treaty from them, as you are pleased to mention ; nay, he allows that, in the main, the Thing we demand is not to their Prejudice : Our resorting to their Country being so far preferable to that of the *Dutch*, that 200 Sail of ours brings them better Advantages than 300 Sail of the *Dutch* would do : He promised me, that he would prepare Count *Antoine*, in the best Manner, to receive any Overtures about it on that Side ; and that he would write to the Chancellor, that he may be furnished with the Powers necessary to put an End to that Business. I am, &c.

*L. Jenkins.*

*Nimeguen, 18th April, 1678.*

Right Honourable SIR,

MY last was of the 15th, since which I have not the Favour of any from you to acknowledge.

ON Monday M. *Vander Vecken*, one of the Deputies intended hither from *Liege*, told me, the Nuncio had quarelled with him very much, for that he had (some while since) made Use of my Offices, and not of his, to procure the Passports here for those Deputies, saying, he had been therein neglected, in the Face of this great Assembly. *France* hath long since furnished those Passports ; but we never heard more of the *Imperialists*, after they had taken Time to consider of it, and desired their Co-Allies not to furnish any till they heard from them again. They are all to Pieces at *Liege*, since their *Echevins* have been excommunicated ; the Nuncio of *Cologne* maintaining the Excommunication to be good, the Chamber of *Spire* having, on the contrary, declared it to be void and abusive.

M. *Heugh*, in Answer to the Offices I passed with him on *Tuesday*, upon the Paper I received from M. *Oxenstiern*, touching the Duke of *Gottorp*, (the Copy whereof I have already sent) told me plainly, that that Matter was not *hujus fori*, it must receive its Determination according to the Rules and Methods long since agreed between those two Houses. 2. That *Sweden* being in Hostility with them, they, the *Danes*, cannot have any Regard for what the King of *Sweden's* Ambassador shall say in that Duke's Behalf.

IN this Conversation, he told me he had had it in his Thoughts that very Day, to come on Purpose to acquaint me, by way of Complaint, how the *Swedes* deal with them, as to the *Danes* they have taken upon the Isle of *Rugen* ; there is a Cartel, he says, solemnly agreed between both Nations, for the Liberty of Prisoners at a certain Ransome ; the King of *Denmark* sent his Commissary to *Coningsmark*, with ready Money, to demand and receive the Benefit of that Cartel, but is refused ; and those they have not starved, or cannot force to take Arms, they transport into *Sweden*, to lie Prisoners there.

THE Preparations in *England*, he says, do very much promise a War, yet there wants not some Ground to believe, it is not yet unavoidable ; nothing, he says, will clear that Point, but a Declaration of one Side or other ; for M. *Colbert* hath told him, they, the *French*, will, as much as is possible for them, avoid breaking with *England* ; but as soon as they shall perceive it to be unavoidable, they will make

all the Hast they can to declare first. Speaking of the Expectation, and the Doubt we are in here, what Resolution the States of *Holland* will come to, as to the breaking off their Commerce with *France*; nothing, he said, would go so near to bring them to do it, as to make up the Peace of the *North* out of Hand, and so give them the Trade of the *North* undisturbed.

COUNT *Antoine* went hence yesterday for the *Brill*, having had certain News of the Yacht. *Don P. Ronquillo* goes away this Day for the *Hague*; the Bishop of *Gurck* returned hither on *Tuesday* from *Cologne*; and M. *Blaspict* is upon his Way hither from *Berlin*. M. *Hengb* makes Account to set out hence to Morrow for *Antwerp*.

L. Jenkins.

*Nimeguen, 22th April, 1678.*

Right Honourable SIR,

SINCE my last, which was of the 18th, I have the Favour of one from you of the 12th to acknowledge; and I cannot but join with you in the just Apprehensions that all of us ought to have, of the Effect that the *French* Declaration may have at this Time in this Country.

I spoke with M. *Haren* last Night upon this very Subject, and he owns that they are now entring into Deliberation upon it in each Province; this of *Guelderland* meets to Morrow at *Arnheim*, and they in *Friezland* have their Meeting for it on *Thursday* next; he spoke nothing promising of the Issue, but confessed the Deliberation may spin out to a very inconvenient Length; for if the Provinces should not be unanimous in their Judgments, there will be a great deal of Time taken up (less than a Fortnight, it seems, it cannot be) before such as are Dissenters, by Order of their Superiors, can be brought to join and concur in one and the same Opinion; and in this it must be so; for a Majority does not give the Determination, all must concur; the Dissenters cannot be concluded in Matter of Peace, or War, or of Contributions, they must be wrought upon by Reasons and Persuasions to join in the Vote.

THE common Report goes here, that *Rotterdam*, and even *Amsterdam* too, have given in to the Proposition, for breaking off all Commerce and Traffick with *France*; but M. *de Haren* was not clear in the Point, only said, we might have the Certainty of what is done from M. *Beverning*, who was expected here last Night; 'tis certain there was no Thought (till yesterday's Letters came) of his Return hither yet a while: Some Letters say, he had Orders given him to make all Hast hither; I cannot see what there may be for him to do at this Time in this Place, unless it be to prepare the Nobles here for their Landacht to Morrow at *Arnheim*, or else to keep Home (as their Manner is) in case M. *de Haren* be to go to *Friezland*, to the Meeting of the States on *Thursday*, where his Presence will be, without doubt, of great Use, in a Deliberation of this Importance; especially at this Time, that the Province is in Discontent with the States General, which is not without some Reflexion upon his Highness the Prince of *Orange*.

M. *de Haren*, in the Conversation I had with him about the Peace upon the *French* Conditions, was adjourning, as it were, all Considerations to the Event of the Crisis now so near at Hand. If his Countrymen (I mean, these States) be so true to their Alliance with his Majesty, as their Treaties and their Interest oblige them, and as their Power, and the present Opportunity enables them to be, we may, under

GOD,

God, hope well of the Crisis; but the Arts of the *French*, and the Malice of the *Lecensleins*, is employed at this Time to turn the Edge of the great Argument, that hath hitherto weighed above all Things with this People; (I mean, that neither their Liberty, nor their Trade, can be safe, when they have so dreadful a Neighbour hovering over them) and to possess all Sorts of Men, that there cannot be a greater Danger to either, than that which watches at this Time to surprize them within their own Doors; this is the Rate they talk at among themselves, who whine in Publick for their Inability to continue the War, and tell every body how little it concerns this State, that the *French* have a Town or two the more, and the *Spaniards* a Town or two the fewer; these kinds of Insinuation the *French* are not wanting to support; for M. *Colbert* gives out, there is now but the single Town of *Ipres* in Difference between his Majesty and his King, by reason of which, a Peace is not to be had all the World over; the Emphasis of that is intended against us.

THE Elector of *Bavaria* is said to offer his Mediation at *Vienna*; and there is a Match spoke of between that Electoral Prince and the Emperor's Sister.

M. *Hough* went hence on *Friday* (with his Lady) for *Flanders*, not knowing then that the Prince would be so suddenly at the *Hague*. His Business was, (as he was pleased to tell me when he took Leave) to acquaint his Highness with the Occasion of Count *Antoine's* Voyage into *England*. He and M. *Petcum* too told me, of a great Instance that has been lately discovered to them, of the unfair Dealing of the *Swedens* with them; for the Chancellor of *Sweden* being to purge himself in the late Dyet at *Helmstadt*, of certain Miscarriages in this War, laid it as a Matter of Blame upon *Wrangell*, that he did not execute the Orders that were given him, to invade the *Danes* by the Way of *Holstein*, at a Time that the *Danes* could not expect it, because Count *Drabe* was with them Ambassador Extraordinary at *Copenhagen*, bearing them in Hand, that the *Swedens* would observe towards them all the Friendship and good Neighbourhood possible.

M. *Beverning* came Home last Night, and this Morning he and his Colleague gave me a Visit; he told me, he was sent away by his Masters in such Hast, that he could not speak with the Prince, whom he knew to be expected there every Moment. That their whole Country is in some Impatience for a Peace, the *French* Declaration that is now Printed, in several Places and Languages, having had that Effect upon them (especially in *Holland*), that they are *tous pris d'un zele un peu deregle pour la Paix*, there being not, he said, a Boat or a Waggon stirring any where in those Countries, but those Prints are in several Hands, and made the Subject Matter of their Reasonings and Discourses; and every body concluding, that it matters not to them of this Country, that *Spain* hath two or three Towns the lesser, if they may have their own (that is, *Maestricht*) restored to them, and their Trade to revive and flourish again. This, he said, is the ordinary Discourse of the Country People, and not only so, but of their great Towns, *Amsterdam*, *Rotterdam*, and *Leyden*.

He told me plainly enough, that if they could have a Peace upon any tolerable Terms, they would prefer it to any War; he acknowledged his Majesty's joining with them would be a most considerable Accession, but yet it would bring no Assurance with it, that their Success will be any better than it hath been; besides that, they shall want the only Mediator capable to settle the World in Repose again. They

were come to me by Order of the States, he said, to know, if there were any Means to get the Term of the 10th of May prolonged; and to desire my Offices to make an *Ouverture* to that Effect to the *French* Ambassadors; for, said he, if we could gain a Month or six Weeks Time, something may be done; but as the Form of this Government is, it is impossible for them to do any Thing in so short a Time; having told them what M. Colbert's Words had been to me, that they, the *French*, could not enter into any Negotiation upon their Paper, nor receive any Answer from the Parties but a single *Oui*. I asked them, whether they desired me to make such an *Ouverture* in their Names alone, or else in the Name of the rest of the Allies, since the Communication I had made of the *French* Ambassadors Discourse to me, had been to the several Allies, in the same Manner as to M. de Haren.

I must not forget to observe unto you one odd Expression that M. Beverning used, when he proposed to have this *Ouverture* made by my Offices; we cannot, said he, go to the *French* ourselves upon this Paper, nor can we take notice of it in the most solemn Manner, as if they, the *Dutch*, had never made any such Step towards the *French* without the Mediators.

I told them, that if they desired me to pass any Offices with the *French*, I would be glad to adjust the very Words with them (in Regard the Matter is nice) before we parted; they replied, they would first speak with their several Co-Allies, and then meet them at five this Afternoon, at their ordinary Meeting in the Town-House: By that Time, they said, they shall have better digested what they have to desire of me, and they would further speak with me, upon the whole Matter, this Night or to Morrow Morning.

THEY told me, that M. de los Balbases being to go out very early this Morning, upon a Journey of Pleasure to Cleve, they had made a Shift to speak with him before he went; and his Resolution was, that he would consent to any Thing they should do, provided it be not to the Prejudice of what is treated at this Time by Spain, and the rest of the Allies, with his Majesty in England.

M. Beverning went over several of the Points in the *French* Declaration; they, the *Dutch*, were well enough, he said, *si le Roy Tres Chrétienne agit de bonne foy & tient sa parole*, for tho' it be a Question, whether France will settle the Commerce upon the Project as the *Dutch* Ambassadors gave it in, or upon those Limitations and Restrictions they, the *French*, return'd upon it; yet 'tis better any Way, than have the Burthen of the War continu'd longer upon them.

SOME other Things, he said, ought to have been set Right, but that might be done too with Time; I suppose he meant the Rights and Interests of his Highness the Prince of Orange in his Principality; for of that, there is no Mention at all in the Paper. For the Empire, said he, the Peace of *Westphalia* will be welcome; and for *Philipsburgh* and *Friburgh*, 'twill be no hard Matter to come to some Agreement for Spain, it goes very hard with them, and with us too, said he, for we shall be very much disappointed in the Hopes we had of a good Barrier; since that which is now to be left, will be a very slender one, and we shall always remain very much exposed; but that which is most intolerable of all, is *Lorain*, for the Country will be torn to Pieces, and that Duke will have as good as none at all.

THIS is the Substance of what M. Beverning spoke, for his Collegue spoke not at all; only added, that by the *Friday* Pacquet Boat, there was an Express sent to M. Van Beuninghen, that he should move his

Ma-

Majesty to get the Term prolonged if possible, and acquaint him, that the States had directed the same *Ouverture* to be made here. I remain, &c.

*L. Jenkins.*

*Nimeguen, 25th April, 1678.*

*Right Honourable SIR,*

THE last I troubled you with, was of the 22<sup>d</sup> Current; containing what M. *Beverning* and his Colleague had discovered to me that Day, touching the present Bent that this Country is in for a Peace; as also what they desired of me, touching the prolonging of the Term that *France* hath given to the 10<sup>th</sup> of *May*. I thought those Incidents of that Importance to his Majesty's Deliberations at this Time, that I did not trust them with the Post, but sent them by an Express, in whom, I hope, there will be no Want of Diligence.

I have little to add to what that Dispatch carried; only on *Tuesday*, I gave the *Dutch* Ambassadors an Account of the Answer the *French* had given me, about prolonging the Term; but they did not seem to be so much concerned, that the Answer was a flat Denial, as they were solicitous the Day before to have the Question put.

HOWEVER, the Thing hath that Effect, which was easy to foresee; whether those Ambassadors desired it should be so, or not, I dare not take upon me to determine: I mean 'tis plain, that as the Answer of the *French* Ambassadors is, and as the Proceedings in this Government about War and Peace uses to be, 'tis not possible to come to any Resolution here, (tho' they should never so much desire and intend to comply with *France*) that will amount to a Close before the Term be out.

THE *Dutch* Ambassadors being with me yesterday upon another Occasion, I asked them, what Account they had had of the Proceedings at the *Hague* on *Saturday* last; for M. *Beverning* had told me, he was in some Pain, what the appearing of his Highness the Prince of *Orange* that Day in the Assembly of the States of *Holland* would produce. They told me, that the Prince being among them, opened to them the State of Affairs, as they now stand; and represented to them their Obligations by Treaty to their several Allies. The Nobles and the Deputies (those of *Amsterdam* and *Leyden* only excepted) shewed themselves sensible enough, and willing to comply with their Obligations; but there was no Resolution taken that Day, the Deputies going back to their several Towns; and their Conclusion was, that they hoped all would be well.

MESSIEURS *de Gurck*, *Kinski*, and *Balbases*, in several Visits they made me on *Tuesday*, and last Night, told me upon this Subject, they were confident, that notwithstanding this Cloud all would end well. What Ground this Confidence hath, I know not; what they say, seems to have come to them from the Ministers of those Crowns at the *Hague*.

M<sup>r</sup> *de Gurck* told me further, how closely he had press'd the *Dutch*, in the ordinary Assembly of the Allies on *Monday* last, with Arguments from the Interest of their Country, urging, that if they should now make their Peace with *France*, their Liberty and their Trade will be nevertheless in Danger to be swallowed up by the Conqueror. Besides, they must be still at the Charge of keeping themselves armed as fully



fully as they are now at this Time. He praised them likewise, as he said, upon their Honour, the Emperor and *Spain* having given into this War meerly for their Preservation, and upon an Engagement from this State, not to go out of it, but by common Consent; the King our Master having been solicited by them by all Manner of Arguments to break off the Trade with *France*, and to enter into the War, having taken his Measures upon the Assurances he hath from them by Treaty; how those Arguments are managed, and what Effect they will have, Time must discover; but the *Imperialists* and *Spaniards* here do profess to be extreamly satisfied with his Majesty's Proceedings; that is, they are perswaded his Majesty is in earnest for entering into the War, and that he makes all the Steps possible towards it.

ON *Tuesday*, M. *Oxenstiern* acquainted me in Form, that he had Orders from the King his Master to go Ambassador into *England*; but that in Regard M. *d'Olivcrkrantz* is there already, he must stay till he hear from him, whether he will tarry there, or come back hither; it being the Order of their King, that one of them should continue here, tho' their Allies, the *French*, should leave this Place; he said, 'twas further the meaning of the King of *Sweden*, and his Orders to him that goes Ambassador into *England*, that his Majesty should be prayed to continue his Mediation still between *Sweden* and all its Enemies; and that notwithstanding any Breach his Majesty may come to with *France*, the King of *Sweden* relies upon his Majesty's Offices as Mediator, as perfectly and entirely as he did before, there being nothing in the Leagues between *Sweden* and *France*, that should oblige *Sweden* to any Change in its present Peace and Amity with *England*, tho' *England* should break with *France*; the mutual Engagements of those Crowns relating only to the preserving of the Peace of *Munster*. He made also his Complaint to me, that M. *Hengb* had not taken from my Hand the Memorial that M. *Oxenstiern* had left with me, about the Duke of *Holstein*; telling me, he would receive no Paper from *Denmark* till his was accepted.

ON *Tuesday*, M. *Ulken*, one of the *Holstein* Ministers, was to take his Leave of me, his Master having ordered him to pass hence into *England*; and M. *de Haren* is gone this Morning for *Friesland*. I humbly thank you for the Honour of yours of the 16th, which is the last we have come to Hand. I have not had Opportunity since I receiv'd it to speak (as I intend to do once more) to M. *Petcum* about our Trade.

I do not trouble you with a Squabble which happened between the *French* Ambassadors and the Burgrave of this Town, their Footmen having met on *Sunday* Night by Chance and fought, one of M. *Colbert*'s Footmen was dangerously hurt; because I have made an End of it.

HAVING writ thus far, the *French* Ambassadors having taken this Hour of me, to tell me they had Orders from the King their Master, to desire my Offices with the Allies, to let them know the Most Christian King does pretend — *que les Messinois retirez en France, soient rétablis, dans leurs biens avec la Liberté d'eux disposer & qu'ils ayent un Article dans le Traité de Paix, par le quel il soit stipulé à cet Effet.*

I charging my self with their Words, and adding, that I wish'd heartily there were nothing between us and a good Peace, but the procuring of such an Article to be inserted into the Treaty; M. *Colbert* told me, 'tis the Fault of the Allies, that the Peace is not accepted; that

*Letters from the Embassy at Nimeguen.* 343

that had they not stood in their own Light, they would have made the Peace 'ere this; that Messieurs *de Villa Hermosa* and *de los Balbases* do by this Time know the Meaning of their Court sufficiently, and are perswaded, as he believes, that a Peace upon the Offer made them by *France* of so many Places, is much preferable to the continuing of the War; that the *Dutch* have all they can demand; that the Emperor is the only considerable Ally that stands out, and yet with very little Reason; his Army is 10,000 Men less this Summer, than it was the last: *Hungary* is upon the Brink of a General Revolt, and they demand four Points, the granting of one of which is an utter Ruin to the Emperor's Interest as King there.

M. *Colbert* passing from one Point to another, came at last to *Sweden*, and mentioned the King our Master's Promise, that that Crown should have its entire Satisfaction. I told him, I did not know whether his Majesty had made any Promise at all in that Affair, or no; but that I was sure his Majesty had that just Regard to his Promise when he made any, as not to pass *positivement*, (as 'tis in their Paper) where the Thing promised depends not upon the Will of his Majesty, but upon the Concurrence and Consent of Persons of different Interests and Designs; therefore I thought the Penman of their late Writing had not considered what he said, and the rather, in that it was visible he contradicted himself in one and the same Line; M. *Colbert* was not pleased to say one Word in Defence of the Paper, but that the Promise his Majesty had made, was the most generous in the World, and the most tending to a General Peace; that the Emperor and the King of *Spain* would have said the same Thing, but that they feared to offend the Allies, the *Brandenburger*, and the rest; which was a Consideration his Majesty and the *Dutch* had no need to enter into: Thus he avoided the Question; I pressing as well as I could the Nonsense of their Paper as of myself, not knowing whether his Majesty had made any Reflexion upon that Passage or not. I remain, &c.

*L. Jenkins.*

*Nimeguen, 29th April, 1678.*

*Right Honourable SIR,*

SINCE my last, which was of the 25<sup>th</sup>, I have the Favour of one from you of the 23<sup>d</sup> Current, and do humbly thank you for it, as also for the Extract of what passed between you and M. *Van Beuninghen*, and for the Copy of your Letter to Mr. *Hyde* at the *Hague*, of the same Date.

It is with all the Reason in the World that you are pleased to say; it was a hard Question that M. *Beverning* and his Colleague put to me this Day sevensnight, about prolonging the Term in the *French* Conditions: I had not Time to give you any Account but of the bare Matter of Fact, it being almost impossible to tell you the Anxiety I had in my Thoughts upon that Incident.

I chose to do, as you see I have done, chiefly upon this Ground; I did not think it safe for me to refuse that Thread that was (seemingly at least) offered to be put into my Hand, for the conducting of this new Negotiation, if it should be set on Foot by prolonging the Term; for besides that, I knew nothing in the least, nor do I yet know, that his Majesty hath ceased his Offices of Mediation with *France*, or that it is his Pleasure his Ministers here should do so; I saw the *Dutch* would have

have forthwith, upon my Refusal, entered into an immediate secret Communication with the *French*, and consequently I should (by mine own Acc) have put myself out of all Possibility to gain any Time, (which was what I thought most necessary) to advertise you of this Incident, and to learn his Majesty's Pleasure upon it : as also out of all Hopes to get any Notice of what should afterwards pass between them.

I had several Reasons to believe the *French* would answer (as they did) in the Negative ; their Discourses to me and to others having been all along to that Effect ; I thought therefore a Denial here would be a seasonable Disappointment to the Mutineers at the *Hague* ; besides that, the early Knowledge of this Issue (since they would have it out one Way or other) would be of some Use in his Majesty's Councils ; but had the *French* consented to write to their Court, (I put the Case to myself) I should then have gained so much Time, as to have given you Notice how Things went, before the Negotiation itself should have come on ; and I should have been in a better Light to inform you of what should pass, than if I had refused to intermeddle in it.

BESIDES, the Point being in itself a Preliminary, of some Distance from the main Business, and I to move in it by the by only, *par occasion*, was M. *Becerning's* Word, and not by way of Office, I hoped to come nearer his Majesty's Meaning and Service in doing as I did, than if I had taken a contrary Course ; and in that Hope I wait with all the dutiful Submission possible, what his Majesty shall please to pronounce or direct further in this Matter.

ON *Thursday*, M. *Becerning* coming to make me a Complement, upon my having made up a Difference between the *French* Ambassadors and some of the Nobles of this Town, (there having happened several Squabbles between their Lacquies, for that the Gentlemen's Lacquies wore Swords, and those of Ambassadors wore none, the Gentlemen having now put their Lacquies to conform with us in that Point) told me in great Confidence, that he hoped all would go well again in *Holland*, and that they would keep close, both in the Peace, and in the War, to his Majesty ; that his Highness the Prince was gone back from the *Hague* very well pleased, *qu'il avoit rempre ce coup* ; and it was his great Prudence not to oppose directly and violently that Party that was for a present Peace ; that it was a wise Thing to send away *Van Leeuwen* and *Boréel* on the Errand they are gone upon ; that they having appeared the most troublesome and mutinous, will be made to understand, both in *England* and at *Bruxells*, how impracticable the Thing is they aim at, at this Time, and especially in their Method.

THIS was on *Thursday* after the Post was gone, yet speaking with him again last Night, he said, the Prince was gone away much dissatisfied ; and added to his former Character of *Van Leeuwen*, that he is a bold talking Man, and not without Suspicion of holding Intelligence with the *French*.

HE said, it was a very weak Thing done by the Pensioner, on *Friday* last the 17<sup>th</sup> Current, to carry the Resolution of the States of *Holland* to the Assembly of the States General that very Night, to have it pass into an Instruction for the Ambassadors here ; whereas he might have hindered it from coming to a Conclusion among the States of *Holland* till the Prince might be spoke with, and might afterwards have forbore to put it to the States General that Night.

HE acknowledged there can be nothing more *salutary* (that was his Word) to their Country, than an *absolute Prohibition of all Trade with France*, but 'tis never to be well executed in these Countries ; they have

Instances

Instances of several Prohibitions of *French* Manufactures, put out by the States General, and observed by *Holland*, but the Things prohibited are brought into *Zealand*, (and against the *Zealanders* there is no Remedy to be had) or else into *Friezland*, and thence dispersed to the rest of the Provinces; and it will be thus, he says, in case they should now prohibit the *French* Trade; so that it will not be observed as it ought on this Side.

WHEN I pass'd my Offices, as I did on *Friday* and *Saturday*, with the several Allies, touching the *Messinois*, to be comprized in this Treaty, they could hardly (some of them) keep their Countenances, but said little.

M. *Platt*, the *Osnaburg* Minister, told me, the Deputies assembled at *Cologne*, for the Army that is intended to act upon the *Meuse*, cannot agree among themselves; the Prince his Master hath been order'd ever since *January* to command it; but he will not engage till he knows whence the Army is to draw its Subsistence, and till it have a Train of Artillery, which it now wants. M. *de Grana*, who is intended for a Command in that Army, is, and hath been about a Week in this Town.

ON *Friday* the Marquis *de Fuente* arrived here in the fine *Bruxells* Yacht; M. *de los Balbaces* received him at the Water-side, he lodges yet at his House. I spoke with M. *d' Avaux* about his Visit of Ceremony, he and his Collegues had deliberated of it, and had resolved to visit him, tho' he give (as M. *Balbaces* and *Ronquillo* have done) that Extraordinary Sort of Visit to the *Imperialists*, upon the Account of the same House, before he notify others, provided it be in all Things else as it was before: M. *Beverning* was of the same Opinion, and I shall not dissent, unless your Orders come Time enough to the contrary.

I spoke with M. *Petcum* yesterday about our Pretension upon his Majesty's Treaty with *Denmark*; he does in a Manner assure me, that if you please to give in a Plan of what our Merchants would be at, they will have content; he hath writ to the Chancellor about it; their Care is, that the *Dutch* do not, when we get up to their Privileges, yet step higher, and catch at more than they have.

M. *Cannon* spoke to me on *Friday* and yesterday, of the perfect Reliance his Duke hath upon the King our Master, and that he hath writ to his Majesty since he hath had Communications of the *French* Conditions, to submit all entirely to his Pleasure.

HE says, that among other hard Measures, the demanding of the *Provoosté* of *Loungroy*, in Exchange for something not yet named, is one of the hardest; that *Provoosté* has no less than 63 Villages of its Dependence; it reacheth almost from the *Moselle* to the *Meuse*, from *Tbionville* to *Verdun*, and it fronts all along upon *Luxemburgh*. I am, &c.

L. Jenkins.

Nimeguen, 2d May, 1678.

Right Honourable SIR,

MY last was of the 29th past, since which I have the Favour of yours of the 26th of the same Month to acknowledge.

WE find, that a Courier came on *Monday* last to the *French* Ambassadors, between 7 and 8 at Night; and about 10 the same Night, (sooner I suppose the Letters could not be decypher'd) M. *d' Avaux*'s Secretary went to M. *Beverning*'s, carrying with him several Papers, and enjoining

the Lacquey he took along with him, not to tell where they had been. 'Tis further said from a good Hand, that M. *d'Acoux's* People were busy in writing most Part of that Night; and that the Marschal sent a Courier to *Amsterdam* the same Night; and 'tis certain that M. *d'Acoux* was Abroad next Morning, first at M. *Oxenstiern's*, then at M. *Beverning's*, before eight, which is an earlier Hour than ordinary with those Ministers to have Interviews. The *French* Courier went back on *Tuesday* at 4 in the Afternoon. M. *Oxenstiern* and M. *Beverning* both own'd to me, they knew of a Courier come to the *French*, but both said, they knew nothing of the Occasion of his coming; that he brought something or other wherewith to foment the present Humour in this Country, is more than probable: Mr. *Chudleigh* discoursing with one of the *French* Ambassadors Gentlemen (who we are sure hath a good Share in all their Secrets) upon Occasion of this Courier, and telling him how all Men were awakened to expect something extraordinary upon it; the Gentleman answered, 'twas possible you may hear shortly of a Truce; Mr. *Chudleigh* replying, that People conjectured the 'Thing he brought with him to be of greater Moment; his Answer was, the Nature of this Government is such, that if there be any such 'Thing, it will be soon known at the *Hague*. Out of this we cannot but conclude, that 'tis something of present Concern that this Courier brought; and 'tis in Order to some separate Paces between the *French* and the *Dutch*. One 'Thing more I shall take Leave to observe, that a very sober Gentleman told Mr. *Chudleigh*, that M. *Beverning* (as soon as he came on *Sunday*, which was about 8 a Clock at Night to Town, upon the Errand about the prolonging of the 'Term) went that very Night, but very privately, to the *French* Ambassadors; but saw not the Allies or me till next Day. I do not deliver this for certain, the Gentleman, being spoken with since, saying, he had not the 'Thing confirmed unto him.

M. *Beverning* was very close and dark in a Conversation I had with him yesterday; he said *Van Leeuwen*, now deputed into *England*, was a vehement Man, and yet had some Excuse of his Side, in Regard he saw the Town he is Magistrate of going to utter Ruin, by the Decay of its Manufacture. He added, that *Amsterdam* had positively declared, they will contribute no more to the War; that he had not spoke at all to M. *Oxenstiern*, (as his Masters had directed him) about the prolonging of the 'Term, because he could not hope any 'Thing from him, that Nation being now wholly at the Dictate of *France*, and looking upon no other Help or Resource, than that which *France* will give them. It was much talked yesterday in the Evening, that M. *Beverning* sent Couriers on *Tuesday* Night at Midnight to *Amsterdam*, and to *Leyden*; 'tis certain he receiv'd a Courier on *Tuesday* from the *Hague*, and sent him back at Night; the *French* Gentleman abovementioned would not allow of what is believed here, that his Highness the Prince had quieted the States of *Holland*, and gone away well satisfied. I am, &c.

L. Jenkins.

*Postscript.*

May 2 d, 1678.

JUST now, at 7 in the Afternoon, M. *Beverning* call'd upon me, as he came out of the Assembly of the Allies, to acquaint me he had received by the Extraordinary of this Day, Orders from his Masters to speak with his Co-Allies, and to know of them, whether they will be

con-

content with an *Armistice*: He had Orders to treat it with them for six Weeks, he named the last of *June* their Style, or for any Term they could agree on, provided it exceeded not three Months: There were present at their Meeting the three *Imperialists*, M. *de los Balbajes* and M. *Cannon*, they resolved nothing, but took to deliberate till *Saturday* Morning, only he thought, he said, M. *de los Balbajes* did relish the Thing, being in an extream Dread to lose some good Place (*Antwerp* is generally feared) at the Return of the *French* King into *Flanders*. M. *Beverning* does as good as own, that this Proposition came from him to the States, but that M. *Fagel* hath put it to them in Form; that M. *Fagel* is to answer if any Mischief come of it, for that he, M. *Beverning*, having found from a certain Person here, (naming no Body, but meaning the *French* Ambassadors without doubt) that an *Armistice* might be had, he could not choose but communicate the Thing to his Masters: He says, they came quickly to this Resolution; and he was commanded by them to talk Home to the *Spaniards* and the other Allies, of their Resolution, not to be at such vast Charges any longer, and that they will forthwith disband the Men they have up and down the *Spanish Netherlands*; and the *Spaniards* may, if they please, take them into their Pay.

THIS Resolution was taken yesterday at 11 of the Clock, and Messengers dispatch'd to M. *Van Beuninghen*, and to *Bruxells* the same Evening: Had he desired me (as he did not) to propose the *Armistice* to any of the Parties, I should not have done it without his Majesty's Orders; therefore I beseech you, SIR, I may know his Majesty's Pleasure as soon as you can. M. *Beverning* told me, he guess'd that *France* would give an *Armistice* as long as could be desired, even for 12 Months. I am, &c.

L. Jenkins.

*Nimeguen, 6th May, 1678.*

Right Honourable SIR,

ON *Thursday* the 2<sup>d</sup>, I troubled you with two of mine; one in the Morning, and a *Postscript* at Night; but did not commit either of them to the Post; I sent them by Servants of my own; the one whereof I hope will overtake the other somewhere or other on this Side, and so give you but one Trouble.

I gave you in my last, an Account of all that was then come to my Knowledge of a Cessation of Arms, or an *Armistice*, which is the Word affected here: M. *Beverning* having made his Proposition on *Thursday*, as I told you, and the Allies having taken Time to deliberate till *Saturday* Morning, they did not meet that Morning; M. *Beverning* having spent it in particular Applications to them at their several Houses; but they met at three in the Afternoon: M. *Beverning* parted from them at five; yet they sat and did not break up till eight.

M. *Beverning* told me yesterday, he found them more tractable severally at their Houses, than they were jointly in the Assembly, especially M. *de los Balbajes* was so, as being apprehensive of some fatal Resolution in some of the great Towns in the *Netherlands*, upon the Return of the *French* King thither. When they met, he and they spoke their Reasonings, for and against the Cessation; M. *Beverning* did not tell me, what those Reasonings were, but only that their Conclusion was against the Cessation he proposed.

FROM another that was not present at the Debate, but is perfectly informed (as I take it) of what pass'd there, I find that M. *Beverning* demanded an Answer to the Proposition he had made on *Thursday*; M. *de Gurck* beginning, spoke largely of the Unreasonableness of it at this Time, especially in Regard of the Posture and Motion the *Imperial* Army was now in; but concluded, that nothing was to be done till the Mind of the King our Master were known.

M. *de los Balbases* concluded just to the same Effect; that considering the Advances his Majesty had made, and the Weight he was like to bring on the Allies Side, nothing was to be done till the Allies knew what his Majesty would be pleas'd to do.

M. *Cannon's* Conclusion was just the same; only he observed to them, that the asking of a longer Term, might be thought to imply an accepting of the Conditions; and if so, that his Master would lose the better Part, and in a Manner all his Estates, without shewing his Claim or Defence; M. *Beverning* answered, it was not the meaning of his Masters, if a Cessation were obtained, to yield to the Conditions as they are, but to debate and treat upon them.

WHEN M. *Beverning* had heard these three several Conclusions, on the Behalf of the *Imperial* and *Spanish* Embassies, and of the *Lorain* Minister, which was all the Company that was present at the Assembly; he replied *first*, that if the Cessation was not accepted, the *Spanish Netherlands* would be unavoidably lost. *2dly*, *Que Messieurs les Etats n'attendent rien de l'Angleterre puis qu'ils ont un Traite avec Elle qui l'oblige à rompre, mais Elle ne rompt pas*, these are the very Words, as near as I was able to retain them, upon twice repeating them to me.

SOME among the Allies propos'd (it seems) that the Assembly should depute to me, as they have been us'd to do upon several other Occasions, to the End I might be made acquainted with a Matter of this Importance, and write to Court about it: But M. *Beverning* answered, *J'ay dey'a fait l'Exposition de tout cecy à Monsieur Jenkins, & je ne crois pas, que le Royson Maître voudroit proposer cet Ar-mistice.*

THIS is the best Account I can yet give of the Conference on *Saturday* about this Cessation; only M. *Beverning* told me, they kept so long in the Assembly, that he was like to lose his Post; he thought they did it upon that Design, but he made a Shift to write the same Night to his Masters. He said, he had offer'd the *Spaniards*, that the States should transfer over to them all the Soldiers that are now in Garrisons in the *Spanish Netherlands*.

YESTERDAY at three in the Evening, M. *Colbert* and *d'Avaux* were with me, to acquaint me of two Things that the King their Master had ordered them, by Means of us the Mediators, to make known to the Ambassadors and Ministers of the Allies; the one was, that whereas the Term he had fix'd to the Conditions upon which he is willing to come to a Peace, was the 10th of this Month of *May*, he was willing it should be prolonged, and did prolong it to the 20th of the same Month, *N. S.* The other Thing was, that the strong Place of *Lecw* in *Brabant*, lately surprized by the *French*, should not make any Alteration in the Conditions of the Peace; that he was willing to render it to the *Spaniards*.

M. *Colbert* did value very much the restoring of so many important Places, there being nothing like it in all the History of the Treaties between *France* and *Spain*; and that this Place of *Lecw*, 'being add'd  
to

to so many more, there would be no Pretence left, to insist that *Ipres* be restored to the *Spaniards*.

I made a Shift to acquaint the Allies severally with that I had in Charge, but it was very late before I could come to speak with the *Imperialists*; *M. de los Balbases* and *M. Cannon*, for they were altogether taken up (not improbably upon the same Message) with the Nuncio.

*M. Beverning's* Answer was, that he desired his Thanks might be returned to the *French* Ambassadors; and that he could have wish'd the Prolongation had been for twenty or thirty Days longer.

*M. de los Balbases* said, that five of the ten Days being elapsed, he did not see what could be done in so short a Time; yet, tho' the Term were longer, they could not go against their usual Custom, which hath been, to do all Things in Concert with the Allies; this could not be done at this Time, nor can they enter into any Deliberation upon the *French* Condition (which this Term relates to) in Regard the two Embassies of *Denmark* and *Brandenburgh* are absent at this Time.

THE *Imperialists* desired me to come to their Assembly at the Stadthouse, at their usual Hour of Meeting this Afternoon, where I should have the Answer of all the Allies, as they should agree to it.

*M. Petcum* and *Cannon* did not say much, but *M. Petcum* complained that the Allies here do not in their Deliberations give that Part and Regard that is due to them of the *North*.

*M. Balbases*, in the Conference I had with him upon this Occasion, seemed to suppose that we cannot require, in Strictness, that the *Dutch* should prohibit all Commerce with *France*; for that there is no such Thing stipulated in our Treaty with them in *January* last; and that the prohibiting of Commerce was a Thing thought of, after the making of that Treaty by the King, upon the Suggestion of the Parliament. I endeavoured to evince the contrary from Addresses antecedent to that at the Beginning of this Session; and how hard it would be, that his Majesty should, by such a Prohibition, tie up the Hands of his own Subjects, not only to the great Inconveniency of Thousands of particular Persons, that live upon that Trade, but also to suffer the Trade itself to be diverted from his own Kingdoms, and to help the driving of it into another Channel.

UPON this Discourse of *M. Balbases*, in Favour of the *Dutch*, and upon the Testimony that *M. Beverning* gives of his being more tractable than others, I cannot but set down a Remark that *M. Cannon* made to me this Morning; saying, that there was no Question to be made, but that the Emperor and the rest of the Allies (whatsoever this State would do) would be firm to his Majesty the King our Master: Only I am sorry, said he, to observe, that the *Spaniards*, soit par Timidité, soit par Complaisance, have that Deference for the *Hollanders*, that they incline to every Thing that is proposed from that Side. I expected, said he, that having recovered *Sicily*, they would with more Frankness have hazarded what is left them in the *Netherlands*; but I do not find any Thing changed in their former Conduct, nor do they speak out against this *Armistice*, as in all Reason they ought to do.

FOR Occurrences, I take leave to send you *Borèel's* Proposition, and the Duke de *Villa Hermosa's* Answer, 'tis added here, that the States have upon this Answer sent to let the Duke know, they persist in their first Resolution; 'tis also added, (how truly I know not) that there is one of the principal Men of *Amsterdam* deputed to the *French* King



at *Ghent*, and another to go into *Spain*. You will have enclosed a Letter writ to M. *d'Esfrades* from one of his Correspondents at *Amsterdam*; the same Person that gives us this, says, he saw another of a fresher Date to the *Mareschal*; wherein the Writer desires, that in Case the Revolution do not hit, as is expected in Favour of *France*, he and his Complices may be taken into that King's Protection, by the *Mareschal's* Care and Favour, desiring the *Mareschal* would be pleased to give his Word to M. *Beverning* to that Effect.

I must confess, I cannot believe that M. *Beverning* is so far gone in the *French* Interests, as to take such Stipulations in Favour of those that betray their Country; those that know most, amongst the *French* Domesticks here, do look upon him as a great Well-wisher to the Peace, not in Opposition to the Prince, but because he is perswaded 'tis the Interest of his Country.

M. *Beverning* did value himself to me yesterday, upon a Consolatory Letter that the Prince had caused to be writ to him by a third Hand; for he hath writ, as he says, to desire leave to retire. I must confess, I think we have a Loss that M. *de Haren* is not here; for though he, out of his modest Temper, defers much to M. *Beverning*, yet I take him to be a Person that has a just and strict Sense of Honour.

THE Dispatch that was brought to the *French* Ambassadors by the Courier, that arrived here the 27<sup>th</sup> from *Maestricht*, had, as I am informed, Caressees for *Holland*, in these Word, or near them, — *que le Roy est, maintenant plus porté pour la Hollande qu'il n'a jamais este, qu'il avancera leur Commerce non seulement en diminuant la moitié de Droit d'Entrée, & d'autres Impositions Mais qu'il donnera aussi une entiere Satisfaction aux Merchands touchant les abus cydevant commis, &c. qu'il du leur Zèle qu'il a pour la Paix, & qu'elle luy est tellement au Cœur que pour l'avancer il avoit demembré de sa Couronne tant de Places que les Ennemis ne scauroient reconcrir, &c.*

THE Deputies of *Gelderland* at the *Hague* have writ to the States of this Country, now assembled at *Arnhem*, that the States General had found the *French* Conditions, such as they were resolved to accept of in the present Conjunction; therefore that they had desired an *Armistice*, and that this Province was desired to joyn with them; this was read publickly on *Saturday* last; the Answer will be ordered when they re-assemble, which will be to Morrow.

I am in Care for Want of the *English* Letters, having none from you since the 26<sup>th</sup> past. I remain, &c.

*L. Jenkins.*

*Nimeguen, 9<sup>th</sup> May, 1678.*

*Right Honourable SIR,*

SINCE my last, which was of the 6<sup>th</sup>, I have the Favour of one from you of the 3<sup>d</sup> Current, and in it a Transcript of your Letter of the same Date to Mr. *Hyde*, as also the *Ouverture* that my Lords at his Majesty's Commands were pleased to make to M. *Van Beuningen* and *Van Leezen*, for which I humbly thank you.

I gave you an Account in my last, of the Commission I had been charged with the Day before by the *French* Ambassadors towards the Allies; I gave you an Account likewise of the Answers some of the Allies had given me, upon my Address to them: I now take Leave to enclose the Answers of the *Imperialists*, the *Spaniard*, and M. *Beverning*, as the

two first Embassies gave in theirs, and as M. *Beccerning* owns his upon second Thoughts; nay, is not only approved for it by his Masters, but he told me yesterday it was their Order, he should call for my Offices, to pray the *French* to get those 20 or 30 Days added, that he had expressed his Wishes for, at leastwise, he says, his Masters will bear him out if he do make any such Request; for speaking with him yesterday at two several Times, he express'd himself both the one and the other Way.

BUT I having found, by the Transcript of your Letter to Mr. *Hyde*, that his Majesty hath declared, *he cannot any Way think fit to accept of, or so much as countenance the French Conditions, and therefore cannot be in any Degree an Instrument, or interpose for prolonging the Term granted by France to accept them*; I could not but conclude it high Time for me to obtain (as I did immediately) not only from Offices, but from all Manner of meddling further about this Term. I therefore went first to the *Imperialists*, then to M. *de los Balbases*, and from him to M. *Beccerning*, and told them fully and plainly, I could not so much as carry their Answers to the *French*.

M. *Beccerning* having had an Account from the States, of all that Messieurs *Van Beuninghen* and *Van Leeuwen* had said to them, till Friday Night the 3<sup>d</sup> Current, easily allowed that my Hands were tied up till further Order; but was of Opinion, I should not declare the Reason of it to the *French* till needs must.

THE *Imperialists* and M. *de los Balbases* contended, that their several Answers amounted to a flat refusing of the Term, and therefore that I might safely carry them to the *French*; and were the more desirous I should do it, because they had, as far as I could guess, put into the Nuncio's Hands the very same Answers, before they gave them to me.

THE Temperament we came to was this, that these Answers should remain still in my Hands; and tho' the *French* should call for them, yet that I should not deliver them; for that the Answers of all the Allies, for whom his Majesty mediates, are not yet brought in, nor known what they will be; the *Denmark* and the *Brandenburgh* Embassies, and the *Osnaburg* Minister, being absent at this Time.

YOU will please to observe the Difference in the Answers as they go inclosed; the Allies met several Times in the Stadthouse, and several Times in each other's Houses about them; but M. *Beccerning* could never bring the *Imperialists* to any Thing like asking of a further Term; yet I find he had brought M. *de los Balbases* to his Bow; for on Tuesday he trudged up and down all Day among them, to get them to give in some kind of Answer or other to the *French*; so true is that which M. *Cannon* observes of the *Spaniards*, that they have more Fear, or else more Complaisance, than does them good, for the *Dutch*.

YESTERDAY M. *Oxenstiern* came to acquaint me in Form, that he had newly received Letters from the King his Master, whereby he is commanded to declare to us, that the King of *Sweden* having been informed of his Majesty's good Offices with the Most Christian King, in Favour of the present State of Affairs in *Sweden*, and having also seen the League the King hath entered into with the States General, in order to the Peace of *Christendom*, hath the greatest Satisfaction possible in his Majesty's Conduct, both at this Time, and all along in what concerns *Sweden*; that the King is extremely sensible of his Obligations to his Majesty, and will let pass no Occasion to manifest the Sense he hath of his Majesty's great Affection and Friendship, shewed him in these Conjunctions, &c. that he, M. *Oxenstiern* here, and M. *d'Olicenkrantz* at *London*, have express Orders to act in all Things conformably to the good Intelligence and strict Friendship between the two Kings.

THIS

THIS Complement being over, he told me, he hath a Conveniency of writing at this Time with Safety into *Sweden*, by a Yacht that his Majesty is pleased to order for the transporting of a *Swedish* Envoy on that Side ; and therefore desired to know of me, how the State of Affairs stood here, particularly between the *French* and the *Dutch*, in relation to a Cessation of Arms, and prolonging the *French* Term ; he would first give me an Account, he said, of what he had been told by the *French*, to the End I might judge, whether his Informations were full and right, or not ; pretending (by the way) to some Right to be informed by me, because he found that at *Cologne*, you and I had Recourse frequently, for the better informing of ourselves, to their Ambassadors Mediators there.

THEN he began with telling me, that M. *d'Esstrades* came to his House on *Sunday* last in the Evening, to acquaint him with the same Things, that his Collegues (who were gone at the same Time to my House) were to impart to me, having receiv'd in Charge to do it from the King their Master.

THE *first* Thing was, the Term should be prolonged for 10 Days longer ; that *Leeuw* should be restored, if the Peace be made ; and that the *Dutch* might have an *Armistice* for 2 or 3 Months, or for a much longer Term, if they please ; the last Thing was, that the *Dutch* should have not only Ease, but full Content, in their Pretensions and Grievances about their Commerce and Fishery.

NOW 'tis most certain, that Messieurs *Colbert* and *d'Avaux* being with me, about the same Hour that M. *d'Esstrades* was at M. *Oxenstiern's*, in order to communicate the same Thing, never mentioned one Word to me either of the *Armistice*, Commerce, or Fishery, confining themselves to what they were ordered to declare, touching a longer Term of 10 Days, and the rendering of St. *Leeuw*.

I take Leave to lay this before you as it passed ; for that it is plain to me, that however the Marechal may have mistaken either the Orders of his Court, or the Resolution of his Collegues upon them, that there were such Orders that related to the *Dutch*, and the gratifying of them as to the *Armistice*, Commerce, and Fishery ; but that it was thought fit, either at the *French* Court or here, that the Notice of them should be given the *Dutch* by other Conveyance than that of my Offices.

THIS Communication to M. *Oxenstiern* and to me, was on *Sunday* the 5<sup>th</sup> Current, upon the *French* Letters come in that Morning. The *Dutch* Prints here have it, that on the 26<sup>th</sup> of *April*, O. S. two Couriers arrived from *Nimeguen* at St. *Germain's* ; these Orders might easily come to Hand, as Returns upon these Advices ; 'twas the 21<sup>st</sup> M. *Beverning* arrived here, which might occasion the sending of those Couriers, but he did not then speak to the Allies, or to me, of an *Armistice* ; only 'twas probable, he said, *France* might pretend it, if the Term were desir'd to be prolong'd. He told me yesterday, the Ministers of the Allies at the *Hague* say, they would be very well content with a short *Armistice*.

HAVING had several Conversations since my last with the Bishop of *Gurck* singly, and jointly with him and his Collegues, I found them still plying me with Arguments, for our breaking with *France* ; they press'd at first very much our Obligation by Treaty ; but my Lord Chancellor doth excellently set out in his Speech, that it is the *Dutch* are behind in their Part to comply with that Treaty, not we. Another Thing they say is, that if we break out of Hand, the *Dutch* will be sure to go on in the War, they drawing back because they do not see us come on. But can there be greater Obligations, than those they are  
already

already under to *Spain* and *Lorain* to go on ; especially since it is not their Inability, but their Caprice, that makes them restive ?

YESTERDAY M. *Beverning* having received an Express with the *English* Letters, was of better Chear than he hath been of late : *Je vois que les choses commencent à calmer, j'Espere que tout ira bien encore, on donne bon Ordre pour la Continuation des Subsidies & pour fournir aux frais de la Guerre* — These were his Words ; clearing himself very much of having any Hand in the Resolutions of the States of *Holland* of the 19<sup>th</sup> past, whereby he was commanded to repair hither, without so much as staying to speak with the Prince of *Orange*, who was expected at the *Hague* every Moment. I remain, &c.

L. Jenkins.

*Nimeguen, 11<sup>th</sup> May, 1678.*

Right Honourable SIR,

MY last was of the 9<sup>th</sup> Current by the Ordinary, since which we have no *English* Letters ; this I send in all Diligence possible by an Express ; the Occasion of it, is the Letter that goes herewith inclosed ; 'tis the Copy of what the Most Christian King writes to these States (on the 5<sup>th</sup>) from *Deinse* : It was brought hither by a Courier Express to the *French* Ambassadors, who arrived yesterday about 5 in the Afternoon ; it was between 7 and 8 before they spoke with M. *Beverning*, which they did in a Body at his House. I am told he sent an Express last Night to the *Hague*, immediately after that Conference : But it was this Morning before I, or any Minister here, (that I can hear of) besides himself, could penetrate into the Errand. As soon as ever I could compass a Copy of the Letter itself, I dispatched the Bearer away with it ; it seems to me of infinite Importance, and in all Probability will (tho' it be yet a great Secret) be made as publick as the Conditions lately Printed : The News that is brought with this Letter is, that M. *de Ruigny* was arrived at *Deinse* the 5<sup>th</sup>, just before this Courier came away, with new Propositions out of *England* ; and that there was but the Town of *Charlemont* in Difference between his Majesty and the *French* King : I take no more Time to enlarge, but subscribe myself, &c.

L. Jenkins.

*Nimeguen, 13<sup>th</sup> May, 1678.*

Right Honourable SIR,

ON Saturday Evening I took Leave to trouble you with a Letter, which carried inclosed in it a Copy of a Letter the Most Christian King writ on the 4<sup>th</sup> Current from *Deinse*, to the States General : I sent that by an Express, I inclose another Copy herewith : About two Hours after the Express was gone, M. *Beverning* came to acquaint me (as he said) in Confidence, with the Contents of that Letter, and with the Time and Manner he came by it ; after he had told me, how it grated too hard upon him and upon his Masters in several Things without Ground, or Cause for so doing, given on his Part or his Masters ; and after he had observed to me, that there were in it several Clauses that were ambiguous and obscure, he gave it me to read ; he would not give me, he said, any Copy of it, for that it would be in Print very sud-

## 354 *Letters from the Embassy at Nimeguen.*

denly, and he would keep himself in a Condition to affirm, with Truth, to his Masters and all others, that no Copy had been got out of his Hands; for besides that all the *French* that could write, were employed by the Ambassadors to write out Copies, he had understood the Printers of this Town had been tampered with on *Friday* Night, to Print off some Copies; and when these Printers refused, there was sent away a Person on *Saturday* Morning in all Hast to *Arnheim*, where there is a Press that will do the Work.

It was at 8 on *Friday* Night, that the *French* Ambassadors took Audience (upon special earnest Business, and desired it forthwith) of M. *Beverning*, and 'tis an Observation that others, as well as I, make, that they came with 3 Coaches, (a Parade not usual) and with all the *very* Men which they could get together; which caused extraordinary staring in the Streets, and whetted every body's Expectation and Enquiry what the Matter should be.

M. *Beverning* told me nothing of what passed between him and them, but that M. *Colbert* did hugely amplify and declaim upon the King their Master's earnest Desire of a Peace; and that the same Letter had been sent two several Ways to the States, that they might be sure not to miss of it.

At 10 on *Friday* Night, M. *Beverning* sent the Letter away by an Express to the States, and made Account it would be in their Hands by 5 on *Saturday* Afternoon; he confessed it would have the same pernicious Operation as the Conditions had, when it should become publick among the vulgar; but he thought it might come too late for the bringing about of any extraordinary Effects upon the States themselves, for that the Deliberations of *Friday* (which was to be a very great Day with them) will have so ruled and determined several Things, that the States will not be at the same Liberty when the Letter shall come to their Hands, as they would have been, if the great Business of *Friday* had not been fix'd, as he supposed it was.

It was easy to perceive, that M. *Beverning* is of Opinion, that this Letter is a fair Occasion for the States to make a civil Answer to it, and in their Answer, to ask for some convenient Time to deal with their Allies, in order to bring them to accept of the *French* Conditions. I minded him, that the States having concerted with his Majesty, what Conditions to insist on in Behalf of the Allies, it was a Justice they owed to the King, as well as to the Allies, not to make any Step that Way, without first acquainting his Majesty with what they intend to do: He said, this was very just, and he meant it no otherwise; his View being, as he said, to have the States propose this Opportunity, as a proper one to the Ministers of the Allies at the *Hague*, but not till the Thing be first agreed with his Majesty; how this can be done in the short Time that this Answer is to be made, I do not see.

He seems to be confident the Emperor would come into the Peace; if any Thing reasonable could be got for the Duke of *Lorain*, for whom the Emperor is mightily concern'd, and the restoring of *Nancy* would satisfy all. For the *Spaniards*, he is confident they will part with *Ipres*; and two or three Chastellanies less than they would otherwise have, is not of that Moment to them, he says, as to hazard all rather than let them go; he seems to be very confident, the *Dutch* can bring the *Spaniards* to do any Thing they would have them. The *Imperial* Ministers here he complains of being less disposed to the Peace than the Emperor himself is; and yet M. *Stradisman* told me on *Saturday* last, that

that he looks upon this ill Peace as a Thing that must be yielded to, otherwise the Emperor will be left alone in the War.

M. *Petcum* desired me on *Friday*, that if I carried any Answer from the rest of the Allies to the *French* Ambassadors, about prolonging the Term, I would give in the same Answer for him, as the *Imperialists* have put in for themselves into my Hands; and that I would add, it was his Desire to have some Explication of those Words in the *French* Conditions, whereby it is said, that *Sweden* must have a *full and entire Satisfaction*. I told him, (as I did the other Allies) that the *Holland* Ministers in *England* having made some Overtures to his Majesty, relating both to the Conditions themselves, and to the prolonging of the Term, I would take Leave humbly to wait his Majesty's Pleasure and Orders, how to govern myself, before I would pass any Offices upon those two Points, but was ready to serve him and the Allies in any other Matter, wherein they shall think fit to make Use of me.

M. *Christine* returned from *Bruxells* two Days ago; I take Leave to inclose the 2<sup>d</sup> Address of *Boréel* and *de Wcede* to the Duke *de Villa Hermosa*, as I happen to have it.

BETWEEN 10 and 11 this Morning, comes M. *Beverning* to acquaint me, that he had received Orders last Night from his Masters, to propose to the Ministers here, a Cessation of Arms with *France*; to press them to it; and, in case they should refuse, to enter his Protestation against them, for all the Damages and ill Consequents that may befall the Alliance. He said, his Masters *sont au désespoir*, those that had assisted the Prince of *Orange* to keep Things a while in a kind of Ballance, know not now which Way to turn themselves.

For, 1<sup>st</sup>, THEY have found, upon Examination of Things, that *Spain* hath not above 2500 Horse and Dragoons, and 5000 Foot, in all the *Low-Countries*, and of the Foot one half are Boys.

2. THEY, the *Dutch*, are not able (unless they disfurnish the Garrisons) to take above 16000 Men into the Field, that is the very utmost they can do.

3. NOT one Man of the Allies will march; the Prince of *Orange* had sent Orders for 3000 *Lunenburghers*, and others of that Side, to march and join his Army, as it was promised him they should do, from about *Ruremonde*, where now they are; their Answer is, they will not stir till they be first paid: *Boréel* and *Dyckvoelt* press'd the Duke *de Villa Hermosa* to pay them, it being his Part and Undertaking so to do: He says, he hath not a Penny of Money to do it withal.

4. THE *English* Letters of the 17<sup>th</sup>, give them no Hopes of a sudden effectual Relief; *le Parlement est dans une telle assiette qu'on n'en peut rien attendre jusques à ce qu'il ait quelque satisfaction touchant les Papistes*; these were his Words: Besides, they are told that 20,000 Men is the outside of what *England* will furnish of Land Forces for *Flanders*, and these are not ready neither.

5. THE Most Christian King is in the Head of an Army of 45,000 Men in the Heart of *Flanders*; and whether he do undertake something upon the Sea-Coast, in order to cut off all Succours out of *England*, or else do attack *Antwerp* or *Bruxells*, he will carry all before him; those in *Antwerp* declaring, they will open their Gates as soon as he appears, all the *Spaniards* in the Country being too few to defend the Citadel.

THESE are the Reasons wherewith, he says, he hath already press'd M. *de los Balbases*, and he is willing to accept of the Cessation; the *Imperialists* being press'd with the same Reasons, said neither yea nor nay to it last Night; he was going from me to speak with M. *Petcum*,

## 356 *Letters from the Embassy at Nimeguen.*

and M. Cannon to the same Effect; his Design being for all to appear at the Meeting they are to have of Course this Afternoon, to the End he may give an Account of the whole to his Masters. He came not to me, he said, to ask any Thing by Way of Office, or otherwise; but would have been glad to learn from me, what I should be at Liberty to communicate out of my *English* Letters of the 7<sup>th</sup>; but so it falls out, that I have none that are yet come to Hand; he telling me, the Letters were come to the *Hague*, but that there was not Time to send them as usual.

THE Duke *de Villa Hermosa* hath accepted the Truce for six Weeks, as appears by the inclosed Copy of his Answer to M. *Beréel* and *Dickvelt's* Memorial.

M. *Petcum* being, as I conceived, heated with M. *Beverning's* Applications to him, came to me, to desire me to apply my self to the *Imperialists*, and to exhort them (for they are the only Party that stand out) to accept of the Cessation of Arms: This I refused to intermeddle in. Then he ask'd me, whether I would advise him what to do in it; the Answer I gave is obvious: For what Reason or Pretence had I to offer any Opinion or Advice in a Business that I saw the Allies divided, and in which I know nothing of his Majesty's Mind. He said, that a Cessation at this Time would be prejudicial to the King his Master, in Regard that M. *de Guldenleeuw* is attempting something upon *Gottemburgh*, which must needs come to nothing, if a Cessation take Place; but he seeing the *Dutch*, and the Duke *de Villa Hermosa*, yielding to it, he could not, as they advised, and being here all alone, take a better Course than give his Consent to it, which he intends to do this Afternoon; since he believes, that the preserving of the *Low-Countries* doth wholly depend upon it.

L. Jenkins.

### *Postscript.*

13<sup>th</sup> May, 1678.  
9 at Night.

THE Allies assembled at five, and broke not up till now. M. *Blaspiel* (who was come to Town half an Hour before) declared against the Cessation, it being prejudicial to his Master; M. *Petcum* would do no more but write about it; the *Spaniards* were warm for it; the *Imperialists* concluded nothing, but started a Question, whether the *French* Ambassadors would accept it or not; they were earnest to come to me and require my Offices towards the *French*, in Order to sound them upon the Point; M. *Beverning*, from whom I have this Account, opposed it, as he tells me, but thinks they will either come, or depute to me; you will please to imagine my Anxiety cannot but be extremely great, since I know nothing of his Majesty's Pleasure in these Points. The Bishop of *Gurck* sends me his Secretary just as I am closing, to tell me, that for the Reasons M. *Beverning* gave them, they, the *Imperialists*, consented to the Cessation.

Nimeguen, 16<sup>th</sup> May, 1678.

Right Honourable SIR;

MY last was of *Monday* the 13<sup>th</sup> by Express; I have since the Favour of one from you of the 10<sup>th</sup>. I was, I must confess, in Hopes, it would bring me some Light and Comfort; but Things are so fallen out on that Side, that I see plainly I was to expect no more than what



what you tell me in it: 'Tis true, I cannot but be solicitous for my self, what Steps to make here in the Figure and Function I am in; but now my greater Concern is for his Majesty, whom I beseech God to assist and direct in the present Streights; I may run into Errors, being, as I am, in the Dark; yet it shall never be, but where I want Light, or else want Judgment, to discern what is best and nearest his Majesty's Mind and Favour.

IN the *Postscript* of my last, I gave you an Account what M. *Beverning* and the *Imperial* Secretary had told me, of the Allies having consented that Evening to the Cessation.

NEXT Morning being *Tuesday*, M. *de Gurck* gave me a Visit, and in it gave the Reasons why he and his Collegues consented to the Cessation; they were the very same in Substance that M. *Beverning* had enlarged on, in a Visit he had given me the Day before, whereof you have an Account in my last. That which he said of the *Northern* Allies, (M. *Blaspiel* and M. *Petcum*) was, that they had not in express Terms consented to the Cessation, as not being instructed, and knowing it to be prejudicial at this Time to their Masters; only they would pass by, and not take notice of this Step of their Co-Allies, it being not of so direct and immediate a Concern to them in the *North*, since there is no likelihood in these six Weeks Time, that there will be any Operation of War between the Forces of their Masters, and those of *France*. Two Things he repeated often; the one, that they, the *Imperialists*, would never suffer themselves to be drawn to consent to one Day more than the six Weeks; the other was, that they had not given their Consent to this Cessation, but in Contemplation that it would be so much Time gain'd to his Majesty, in Order to satisfy his Subjects at Home, and to put himself more and more in a Posture for the War; this, he said, was in their Judgment, a Service to the common Cause; besides that, it was the only Means visible to save the *Low-Countries* from being swallowed up, before *England* could come to its Succour.

HAVING enlarged upon the Reasons they had for what they had done, he ask'd me, whether I would pass any Offices with the *French* Ambassadors, to try whether they would accept of this Cessation for six Weeks or not; 'tis true, he said, they concluded in the Assembly, that it was possible I would have some Difficulties upon me to make any Step of this Kind in this Conjunction; however, that he was come to know, if I were at Liberty or not to do it.

I told him, that I lookt upon a Cessation of Arms as an Incident of that Importance, that a Minister of a Mediator Prince ought to be specially instructed before he propose it, in Regard that where both Sides accept it, it shall not be understood to move from either of them, but from the Mediator himself; and that his Guarranty will make it good; no Minister I thought ought to bring his Master within the Implication of a Guarranty without his express Orders, and I had none at this Time. That my Collegues here understood it so, when the *French* Ambassadors offered a Cessation of Arms in *April* was twelve Months, for that we then made no Manner of *Ouverture* or Office upon that Offer to any of the Allies, but first reported the whole to his Majesty, in Order to receive his Pleasure upon it: This I spoke, upon Occasion of his pressing to know, whether any such Question had fallen in our Way before.

THAT which I closed with was, that the *Holland* Ministers had brought this Question before his Majesty, and had desired his Offices to procure this Cessation; that I knew not yet what his Majesty would do upon



## 358 *Letters from the Embassy at Nimeguen.*

upon it, but that I was not to presume to do any Thing but in Conformity to what his Majesty should resolve and direct in the Thing now lying before him; therefore that I must beg them to dispense with me, till I have the Honour to know his Majesty's Pleasure.

He did not Return any Thing by Way of Objection to what I had answered; but was pleased to say, he was well satisfied.

I beseech you, SIR, do me the Favour, when you can have any Moment of Leisure, to know what his Majesty will please to order me to do, in Case that the *French* refusing this Cessation, because 'tis so short, the Parties come to treat of a longer one; and if they do agree either to this or to another Cessation, and begin to treat the Conditions of Peace, whether I shall interpose my Offices if I be requir'd, or offer *any* Service to any of the Parties; as also what I am to do in Case the *French* and the *Dutch* do treat their Business separately, as I now strongly apprehend they will from the other Allies.

I shall take Leave to observe upon this Occasion, that we are in the dark, as to what hath been treated between the *Dutch* and the *French* Ambassadors touching their Commerce; *first*, the *Dutch* Project as it was delivered us, had no 7<sup>th</sup> Article in it; it begun with the 13<sup>th</sup>, the first 12 being offensive and defensive Articles; nor did the *Dutch* at any Time tell us, that their Grievances lay in the penning of any of the Articles, but partly in the Constitutions, and partly in the Abuses committed by *France*; yet we see the Most Christian King's Letter from *Deinse*, fixes the giving of them Satisfaction upon the 7<sup>th</sup> Article of that Treaty of Commerce.

M. *Christine* express'd to me yesterday a very great Apprehension for *Antwerp*, he had been employed, as he came back that Way last Week from *Bruxells*, to dispose those Citizens to make a Defence, in Case they should be attacked; instead of hearkning to this Proposition, they called upon him to hasten hither, and to make up any Kind of Peace to save them; that not only the Generality, but he fears, the trading People among them, do in a Manner wish that that City were in the Hands of the *French*, imagining that the *Scheld* would then be opened, and all the Trade of *Holland* pour in upon *Antwerp*; but they would not at any Hand be perswaded to take in any of the Prince of *Orange's* Men to defend them, nor any Strangers whatsoever: They will receive, they say, the Troops of their own King, and with much ado there were 1000 Men of the King of *Spain's* Troops got together, and sent into them, which (it seems) is all the Strength the *Spaniards* have in that City at this Time; but the desperate Estate of that whole Country is such, and so well known, that I need not trouble you with what this Ambassador enlarged upon that Subject.

HAVING writ thus far, and having not heard from M. *Beverning*, who had promised to let me know the positive and final Resolution of the *French* Ambassadors, whether they accepted of the Cessation that the Allies propos'd, and had consented to on *Monday*, or not: I went to him just at Noon; he told me, that the *French* Ambassadors would not accept of so short a Cessation as that of six Weeks, nor so much as write to their Court about it: 'Tis true, he said, that when he sound'd them by a third Person upon this Question, they shew'd some Inclination that they had Power to treat of a longer Term (M. *Blaspiel* express'd it, that they were instructed to treat for a Cessation of six Months) but that he had not since heard from them.

My Question being thus answered, he went on to tell me, all was in a Confusion with them at Home; that the *French* being now in the  
Pais

*Pais de Waes*, were giving *un coup mortel* in their own Hearts:

At last he blurted out, but conjuring me first to the utmost Secrecy possible, that the States had now resolved upon a Deputation to the Most Christian King at *Ghent*, and had ordered him, *M. Beverning*, to go strait from hence, by the shortest Way that can be thought of, to wait on that King at *Ghent*, or wherever else he is; that a Friend had sent him private Advice of this Resolution by a Post this Morning, that he might have some little Time to think of what he is to do; that he cannot resolve to go upon this Errand as thus advised; that he had rather have his Head cut off than undertake it, since nothing can be done there but what is destructive to his Country, and will be dishonourable to him; that he takes himself to be one of the States, as well as they that now command him, and that they have others that will serve such a Turn better than he; what he will resolve when he sees the Orders and Instructions of his Masters, (for I left him in Expectation of them) I cannot tell; only I cannot but infer out of what he said, of the Dishonour it would be to him, that the States have resolved not only to depute to *Ghent*, but also to frame themselves to every Thing that *France* shall ask of them, and to leave their Allies to shift as well as they can for themselves.

It is now 7 a Clock, and the Assembly of the Allies (that begun at 5) is newly broke up; all that I can learn out of it is, that *M. Beverning* (tho' he was present there for some Part of the Time) had no Discourse with any but the Marquis *de los Balbases*. It was the Belief of some in the Assembly, (*M. Christine* was named for one) that *M. Beverning* had excused himself, and would not go upon the Deputation to *Ghent*. I do not hear of any body else that is named for it. There was nothing passed in this Day's Conference of a longer Cessation than that of the 6 Weeks. It was thought that a Cessation of 3 or 4 Months would have been proposed, in Regard that there was some Reason to think, that the *French* would accept one of that Length, and that the Allies would yield to it; but *M. Beverning* told me at Noon, he would not be the Man to propose any such Thing, having no Orders for it from his Masters. This I thought safest to commit to an Express, and remain, &c.

*L. Jenkins.*

*Nimeguen, 20th May, 1678.*

*Right Honourable SIR,*

**M**Y last was of the 16th by an Express, we have no *English* Letters since.

ON *Saturday* in the Evening, *M. Beverning* was with me, to tell me, that the States General had repeated their Orders to him, to go with all Diligence possible into *Flanders*, as their Deputy, to wait on the Most Christian King; and that the States of *Holland* (who were, he said, those to whom he owes all Obedience) had writ to him to the same Effect; and that he must not refuse what they should command him: He told me, he had some Hopes that Things would not be altogether so bad, as he apprehended upon the first News of this Deputation; that what is now done, is not without the Knowledge of the King our Master; and that they in *Holland* have understood by a Letter written from *London* upon the 12th Current, very late at Night, after the publick Dispatches were made up, that his Majesty being acquainted with

with this Intent of the States, gave his Consent that this Deputation should be made: However, that they were resolved to remain firm to *England*, and in no case to be separated from it.

ABOUT two Hours after, I was to take my Leave of him, and he repeated again these last Words; whereupon I took Occasion to represent unto him, the best I could, the Sense the States ought in Justice and Honour to have of his Majesty's having entered so frankly as he hath done, into the present Measures he hath with them, and the Obligation they have to him, for that invaluable Pledge he hath given them of his entire Friendship, which will be also a Means, under God, of an Union, the most lasting and strictest that can be, betwixt the two Nations. He went away very early yesterday Morning, intending to be at the *French* Camp in two Days.

I am unfortunately fallen here into an Embarrass with the Marquis *de Fuente*, upon a Point of Ceremony, which is an Incident more unreasonable at this Time, than it could be at any other. On *Friday* he received the Visits of the *Imperial* Ambassadors at *M. de los Balbaces* his House in the Morning, and returned them in the Afternoon; I having Notice of it, had prepared the Letter that goes inclosed, which you'll find is the same in Substance that I wrt to *Don P. Ronquillo* upon the like Occasion. Mr. *Chudleigh* carrying it, met first in the Secretary of the Embassy, then in himself, much of Scruple, to give any *Eclaircissement* in the Matter, pretending there was enough done when the Body of the Embassy made their Visits; and this being but the same Thing done over by him, there was no need to repeat it. However, *M. de la Fuente* saying it was an Affair of the Embassy, and he must first speak with his Collegues, promised he would afterwards answer my Letter; about 5 or 6 Hours after he sends me the *Maigre* Answer that you will see inclosed. Next Morning, which was *Saturday*, I sent him this Letter back again by Mr. *Chudleigh*, telling him, it was not sufficient, as I conceived, for my Discharge towards his Majesty; Mr. *Chudleigh* carrying, and offering to shew him the Original Letter that *Don P. Ronquillo* had written to me upon the same Subject; his Answer was, after that Mr. *Chudleigh* had discoursed the Thing to him at large, that he could do no more than he had done.

IN the Evening *M. Christine* takes an Hour of me, his Business was, to persuade me I had no Reason to insist for such another Letter as *Don Pedro* had writ; or otherwise, that I should be content with a short Billet, as the Bishop of *Gurck* had writ to me, when the like Visit pass'd between him and the *Spaniards*; my Answer was, that I desired nothing that was new, nothing more than what was done by *Don P. Ronquillo*, in the Name of the Embassy; and that I could not go less than that Precaution, &c.

LAST Night was with me the Secretary of that Embassy, and brought me the new Powers of those three Ambassadors, desiring me to pass my Offices upon them, and exhibit them, as I had done formerly, towards the adverse Party: I told him, I was as ready as ever, to render my Services to the Marquis *de los Balbaces* and *M. Christine*, in any Thing that concerned them or their Negotiation here, but that *M. de la Fuente* having made a Step, that I did not know how to reconcile with the Respect that all Parties here have paid to his Majesty, as Mediator, and having refused to favour me with such an Explication as was requisite, in order to satisfy his Majesty, I could not pass Offices upon Powers wherein *M. de la Fuente* was nam'd, until I had either such an Explication from him as I had from his Collegues, or else new Orders from his Majesty.

THUS

THUS far this Affair is gone ; the *French* Ambassadors take that Part in it, as to go all along with me, they having come to my House on *Friday*, to ask me what Course I intended to take upon this Incident ; and having approved of my Resolution, to write as I did to M. *Fuente*, they continue hitherto to say, they will not visit M. *de la Fuente*, until that Right be done to his Majesty's Mediation, as I have insisted on : Besides, the Letter I writ, and that M. *de la Fuente* writ to me, being shewed them, they were absolutely of Opinion, that the Answer was in no wise satisfactory, there being no Mention of his Majesty as Mediator in it ; they having told me, the Nuncio's Auditor had been tampering with them on *Friday* and *Saturday* from the *Spaniards*, that they had by him, the Nuncio shall have such another Letter (fully in the same Terms) from M. *de la Fuente*, as M. *de los Balbases* had writ to him, and as *Don Pedro* writ to me, upon Occasion of the first Visits ; they add further, that the *Spaniards* offer them, the *French*, by the Auditor, an Act of theirs, whereby it shall be declared, that this Visit to the *Imperialists* shall be no Prejudice to them, and that this Act shall be deposited and remain in the Nuncio's Hand. The Auditor went further with them, and offered to exhibit to them the *Spanish* Powers ; but, they say, they refused to receive them, till they should understand that the due Regards were paid to his Majesty's Mediation, and that I was free to pass the usual Offices.

I must do them that Right, that they have been twice at my House about this Business, and have sent to me very often, to let me know the Steps that were made by the Auditor : Besides, they speak with as much Respect as ever of his Majesty's Mediation, and have told me plainly, that till I be satisfied they will not stir.

THE Satisfaction we had from *Don P. Ronquillo* was scanty enough, and now I perceive the *Spaniards* would reduce it to nothing, by the slight Account that M. *Christine*, and the Secretary of the Embassy, make of *Don Pedro's* Letter, and the several Ways they fancy to elude it ; and if they offer the Nuncio and the *French* Satisfaction to their Mind, I hope his Majesty will not be offended, that I insist finally to have M. *Fuente* do as much as *Don Pedro* did. I most humbly beg his Majesty's Pleasure upon the Matter, for I am not certain but M. *Fuente* may let Things stand till they can write into *England*, whence they are pleased to threaten me very much. I am, &c.

L. Jenkins.

A. Marquis de la Fuente, Ambassadeur d'Espagne.

Maij 17<sup>th</sup>, 1678.

MONSIEUR,

Ayant appris que votre Excellence a reçu & rendu ce jourd'huy des visites qu'on pourroit prendre pour des Visites de Ceremonie entre des Ambassadeurs selon le stile de ce lieu, & n'ayant pas eu encore l'honneur d'estre averti de l'arrivée de votre Excellence en cette Ville, selon les formes & dans l'ordre qui a esté tenu constamment jusques-icy à l'égard des Ministres du Roy mon Maître ; Je me trouve obligé d'écrire ce petit mot à votre Excellence, afin qu'elle fasse reflexion, s'il luy plait, sur les formes receües & establies dans cette Assemblée, à l'observation des quelles sa Majesté a d'autant plus d'interest, que leurs Excellences Messieurs les Ambassadeurs qui la composent ont trouvé bon de

## 362 *Letters from the Embassy at Nimeguen.*

déferer unanimement ce primier respect aux Ambassadeurs de sa Majesté comme Mediateur, en commun receu & reconnu de toutes les parties. C'est pourquoy je prens la liberté de supplier vôtre Excellence de m'éclaircir par un mot de Lettre de ce qui s'est passé à cet égard afin que je puisse me conformer à ce qui sera de mon devoir, tant envers le Roy mon Maître qu'envers vôtre Excellence, je suis parfaitement, MONSIEUR, &c.

*L. Jenkins.*

### Responſe de le Marquifs de la Fuente.

MONSIEUR,

**P**OUR réponse à la Lettre qu'il plut à vôtre Excellence de m'envoyer, je ne luy ſçaurois dire autre chose, ſi non que je ne prétens point changer l'ordre de cette Aſſemblée; mais de ſuivre celui qui eſt établi entre les Miniſtres de la tres-Auguste Maiſon d'Auſtriche, & que Meſſieurs mes Collegues ont obſervé icy: Aſſurant au reſte vôtre Excellence, que je conſerveray toujours le respect, que je dois à ſa Majesté Britan. & la paſſion avec laquelle je ſuis, MONSIEUR, &c.

*Le Marq. de la Fuente.*

*Nimeguen, 21<sup>st</sup> May, 1678.*

*Right Honourable SIR,*

**M**Y last was of yesterday by the Ordinary, since which I have none of yours; the Occasion of this by an Expreſs is, that M. *de Haren* came to me juſt now, to communicate to me a Reſolution the States General had taken upon *Sunday* laſt, being *Whitſunday*, a Day, as he obſerved to me, that they would not have meddled with any Buſineſs on, but where the Neceſſity was preſſing, and the Importance of the utmoſt Conſequence. He firſt gave me a ſhort Account of the Reſolution, out of a Paper that he had drawn up for the Help of his own Memory, and put into *French*, the Subſtance whereof was to this Effect.

THAT the States having contributed all that lay in their Power to the common Cauſe, are now ſo exhausted in their Finances, that they can do no more; that ſeeing the Danger the *Spaniſh Netherlands* are in to be altogether loſt, ſeeing the great Forces the Moſt Chriſtian King hath now in the Heart of the Country, that little or no Help that is like to be had from any other Parts, and how unable the Forces that are got together are to make Head againſt the *French* Forces; and laſtly, ſeeing the Uncertainty of what Reſolution *England* will come to, they, the States, do look upon a Peace as the only Means to ſave that Country.

THAT they, the States, could moſt heartily wiſh, they were able to procure Conditions of Peace more advantageous for their High Allies; that they have done their utmoſt to procure better for them, but God Almighty having not bleſſed their Endeavours, and their Inability at this Time being ſo great, and there being but little Help to be expected from any others, they find themſelves obliged to have Recourſe to ſuch Means, as are the only viſible ones to prevent the entire Ruin of their State. That they are perſwaded, 'tis not the Wiſh of any of their High Allies, that the States ſhould draw upon themſelves a total Subverſion of their Government, that being in no wiſe for the Service of the Allies,

ſince

since after the Ruin of this State, the Mischief would not stop here, but would be attended unavoidably with a more general Ruin. They therefore pray the Allies, to apply their Thoughts, without further Delays, to carry on the Work of the Peace, and rather to give Way to those hard Conditions that *France* offers them, than continue a War, like to be more and more destructive. That the States desire to know of the Ministers of the Allies, what can be done for them, as to the Conditions of the Peace; that they will contribute thereto most affectionately all that is possible for them; and that they would be very sorry, that a Peace should be concluded otherwise than with the common Concert of the Allies. That, on the other Side, the States do promise to themselves, that the Allies, when they shall see that there is not, in humane Appearance, any other Means or Resource for Relief of the common Cause, will be pleased not only not to hinder, but also to help and co-operate in their Endeavours to save themselves, as well as these States, by a Peace. That they do hope the Ministers of the Allies will do them that Justice, as to consider, that in Circumstances so desperate, wherein the States see themselves abandoned on all Sides, they will not take it amiss if they do their Endeavour to prevent the Ruin of their Republick by a Peace, they seeing no other left them whereby to do it.

THIS is the Substance of the Resolution, as far as I could gather it up in my Table-Book, as he read over his Paper to me a second Time, excusing himself that he left no Copy with me, for he intended to leave none with the Allies, with whom he was to have a Conference, but in the same Manner to communicate to them this Resolution this Afternoon.

HE told me, he could not conceal from me, that the States were come to this Resolution, chiefly upon the Advices in the Letters of the 13<sup>th</sup> Current out of *England*, saying, that his Majesty, *s'estoit expliquée a Nos Ministres de la sorte que comme elle ne pouvoit pas Conseiller, aussi me vouloit elle de conseiller Messieurs les Estatz*, (those were his very Words) in the Way they were now upon, in order to procure a Peace.

HE added, that M. de Burgomayne had been with his Majesty on the Evening of the 13<sup>th</sup>, to beg his Counsel, touching the Means that were to be used for the saving of the *Low Countries*; that his Majesty had answered, he would not dissemble from him, that he had not Treasure sufficient wherewith to undertake such a War; that he was not certain what the Resolution of the House of Commons would be when they met, for the supplying of his Majesty; and tho' they should resolve to do it, yet it would take about 10 Days Time to pass an Act of Parliament to that Effect. That his Majesty had further answered him, he would be glad to know of him, M. de Burgomayne, what were the most probable Means he could suggest to save the *Spanish Netherlands*; that thereupon he had answered, he knew none more likely, than *que d'amuser le Roy Tres Chrétien*; which M. de Haren did not mention without a Smile, that spoke it very unlikely to bring the *French King* into such an Amusement at this Time.

HE read me a Passage out of a Letter from the *Holland Minister at Bruxells*, wherein it was said, that the Duke de *Villa Hermosa*, tho' in a former Letter he was willing to resign all his Interests into the Hands of the States, yet in his last Answer desired some Respite, before he should give his Opinion touching his Compliance for a Peace; his Desire was, first to see what Issue M. *Beverning's* Deputation would have; and it was added, that Don P. *Ronquillo* was against the making of a Peace.

## 364 *Letters from the Embassy at Nimeguen.*

M. *de Haren* desired me to take notice, that the States made none of these Steps without acquainting their Allies; and that tho' there were some Words in their Resolution, tending to a separate Peace, yet those were not positive; and it was certain, they would do their utmost Endeavours to have their Allies come in, and to be comprehended in whatever Peace they should make.

WHILE M. *Haren* was with me, there was a Gentleman waiting to take an Hour of me for the *French* Ambassadors out of Hand; their Business was to acquaint me, as by Order from the King their Master, that he would be content with a Cessation, and had offered it to the States General till the last of *December* next; and that in the mean Time, there should be all Freedom of Commerce with the Subjects of this State; this they desired me to make known to the Allies, telling me, they had already desired the same Thing of the Nuncio, it being the Interest of their King, that the Sincerity of his Desires of a Peace, and the Equity of the Conditions upon which he offers it, might be made publick to all the World, and especially in this Place, by Means of the Mediators.

THEY confessed there might be some Alteration in this, since M. *Beverning* was gone with another Proposition to the *French* Camp. However, they said, it lay upon them, not to conceal the Offers that their King made of this Kind: My Answer was, that I would be sure to make an humble Representation of this to his Majesty; but as for my communicating it to the Allies, I told them, that the *Dutch* having by their Ministers made Instances with his Majesty relating to a Cessation of Arms, and to the Peace itself, and his Majesty, according to the last Advices I had, having in Deliberation what to do upon those Instances, I would take Leave to expect his Majesty's Pleasure how I was to govern my self here, that I might be sure not to make any Step, but what may be conformable to his Majesty's Pleasure, and to his Proceedings on that Side.

YOU see, SIR, how I am called upon every Day, either as a Witness and Mediator, or else as a Party interested in what is transacted here; and how I am at a Loss how to govern my self, for Want of knowing his Majesty's Pleasure: I hope your Orders to me are by this Time in the Way hither; if they be not, I beseech you to hasten them all you can, which will be a very extraordinary Favour to one so much in the Dark as I am.

IN the Close of my Conversation with the *French* Ambassadors, they told me, they had just then discovered, in an Audience they had from the Nuncio, that M. *de la Fuente* had not only brought himself to an Embarrass with me and the rest of the Ambassadors here, in Point of Ceremony, but had so brought it about, that the *Spanish* Embassy is, as they, the *French*, do very much suspect, without any Powers at all. For the Nuncio offering them new Powers for the three former Ambassadors and this new one; they asked him, what the Date of it was; he answered them, he did not understand the *Spanish* Language in which it was writ, and looking for the Date in the middle of the Writing, said, he could not find it.

THE *French* Ambassadors excusing themselves, that they could not receive any *Plenipouvoir* for M. *de los Balbases*, *Ronquillo* and *Christine*, in Regard they had already received one from me, and that that was a *Plenipouvoir* and a Preliminary, not only already adjusted, but had several Acts and Consequences past upon it, that were not now to be alter'd, unless they would undo all that was already done: But then said



said the Nuncio, Will you leave the *Spanish* Embassy without any *Plenipouvoir* at all? From this the *French* Ambassadors do collect (as also from a great Passion the Auditor fell into at another Time upon the same Occasion) that this is a *Plenipouvoir* for all four, of a fresher Date than the former, as was agreed by the Act obligatory, and exchange'd accordingly; if so, the first *Plenipouvoir* is revoked by this latter, and consequently all the Acts and Offices that were pass'd upon it, do stand now, or rather fall, without any Foundation left them. Whereas the only Way to bring in M. *de Fuente*, would have been to give him his *Plenipouvoir* as an Adjunct, and then the first Powers would have remained entire.

THIS is an Incident that I perceive the *French* Ambassadors are willing to lay hold of, as a *Spanish* Artifice, to introduce a Nullity in the Proceedings here, they wanting a sufficient Foundation, as they wanted at *Aix la Chapelle*, when they would have the Baron *de Bergyck* to act as an Ambassador and Plenipotentiary of the Marquis *de Castell Rodrigo*; however, this is a new Accessory in the Case, as it lay in Difference between me and the *Spaniards*, and will not be so easily made up. I remain, &c.

*L. Jenkins.*

*Nimeguen, 23<sup>d</sup> May, 1678.*

Right Honourable SIR,

I Troubled you on the 20<sup>th</sup>, with a Letter by the Ordinary, and on the 21<sup>st</sup>, with another by an Express. I have since the Favour of one from you of the 14<sup>th</sup> Current, and humbly thank you for it; especially for the Light you are pleased to give me, in letting me see what you write to the *Hague* by the same Ordinary.

ALL the Account that I have of the Assembly of the Allies on *Tuesday* (which met together in Order to receive M. *de Haren's* Proposition, or rather his Summons to them, to give into a Peace) is, that he begun his Discourse with *England*, as having given Occasion that the States are entred into the present Counsels. The Allies gave no Answer then, but (as their Manner is) took Time to advise.

M. *Petcum* having been told, that the *French* Ambassadors had desired me to propose to the Allies an *Armistice* till the last of *December*, with Liberty of Commerce for that Time, came to ask me, whether I would make to them and the rest of the Allies any such Proposition or not? My Answer was, that I was in Hopes of having the Honour of his Majesty's Directions, how to serve the Assembly in such a nice Proposition as that was; but till I had that Honour, I thought it safest not to enter upon any Office: He says, nothing can be so ruinous to the King his Master, as a Cessation would be at this Time: His Preparations and Forces by Sea and Land being this Year far greater than he hath had at any one Time since the Beginning of this War. Herewith goes a Print enclosed, that is publicly sold here in this Town; wherein 'tis said, the *French* Ambassadors spoke to the Mediators of the Cessation of Arms on the 20<sup>th</sup> of May, but 'tis certain, they spoke not to me till the Day after; again, *qu'Eux ditz Ambassadeurs s'en Estoient déjà ouverts* — this looks as if it had been to the Mediators, but it was only to the *Dutch* Ambassadors.

YESTERDAY M. *de la Fuente* sent a Gentleman, who expressed himself, that he was come from that Ambassador — *pour saluer Monsieur*  
l'Am-



## 366 *Letters from the Embassy at Nimeguen.*

*L'Ambassadeur* Jenkins — this Word being brought to me, I sent my Secretary to tell the Gentleman, I was sorry I could not receive his Master's Complements till further Orders from his Majesty.

FROM me he went strait Home, and returned presently, first, to Marshal *d'Estrades* House, then to the other two *French* Ambassadors upon the same Errand, which was to notify his Arrival; but none of them would see the Gentleman, only had ordered a Secretary to tell him, they could not receive his Master's Complements.

M. *Oxenstiern* had a Gentleman sent to complement him at the same Time; he spoke with him, and answer'd his Complement in general Terms: then he sent his Secretary to me; when he understood by him what I had done, he resolv'd, it seems, not to go on to the Visit, but to do as the *French* Ambassadors and I had done: I have not yet heard what M. *de Haren* has done; from *Denmark* and *Brandenburgh*, here are no Ambassadors in Town; so that the only Visit we can yet hear of was made by the Nuncio, who was seen to go in *Parade* to the Marquis *de los Balbases* House (where M. *de la Fuente* received his Visits) within half an Hour after that the Gentleman had been with me, and with the several other Ambassadors.

WHAT was but suspected in my last, is now a clear Case; the new *Plenipouvoir* of the *Spaniards* bears date in *March* last; so that the Nuncio, in receiving it, and visiting M. *de Fuente* upon it, hath made a Step that is somewhat nice; for M. *de Fuente* not being an Ambassador but in Virtue of this Power, he hath acknowledged him such; whereas the *French* Ambassadors, and the rest of the Assembly, will never acknowledge him, or enter into any other Matter upon this new *Plenipouvoir*; for that would be the reversing of a Preliminary already settled, and of several Things adjusted upon it. I am, &c.

*L. Jenkins.*

*Nimeguen, 27th May, 1678.*

Right Honourable SIR,

MY last was of the 23<sup>d</sup> by the Ordinary; I have since the Favour of yours of the 17<sup>th</sup> Current, and in it a Copy of your Letter of the same Date to the *Hague*, which I can never sufficiently acknowledge.

ON *Thursday* the 23<sup>d</sup>, the Allies met at their usual Hour, which is after the Ordinary of the Day is gone, and gave their several Answers upon the Resolution that M. *de Haren* had communicated to them on *Tuesday* last.

THE Answer of the *Spaniards* was, that they referred themselves to what Don *P. Ronquillo* should say to M. *Beverning* upon that Subject; the Duke *de Villa Hermosa* having appointed Don *Pedro* to meet M. *Beverning* at *Antwerp*, and to speak his Thoughts to him, as he should pass towards the *French* Camp.

THE *Imperialists* answered, that as the Emperor entered not into the War upon any Design of making Conquests, but meerly to assist the States, and to preserve the *Spanish Netherlands*, so he was willing to go out of it with the States, whenever they should desire it; only that the Conditions lately published by the *French*, looking too like a Law, and arbitrarily imposed upon the Parties, the *French* Ambassadors having said they would not treat upon them, it was not for the Emperor their Master's Honour to receive them in that Manner; but that whenever  
the

the *French* Ambassadors shall be willing to enter into Debate of those Conditions, as a Subject Matter to be treated upon, they, the *Imperialists*, will treat with them.

M. *Petcum*'s Answer was, that he referred himself to what M. *Heugh* should say at the *Hague*, to whom he took for granted the same Resolution of the States would be communicated, as to the other Ministers of the Allies there; yet I find by what Mr. *Hyde* does me the Favour to write thence, there was no such Communication; and the first News that he, and the Ministers of the Allies had, of that *Whitsunday* Resolution, was from this Place.

M. *Cannon*'s Answer was, that the Duke his Master would be glad of any Peace that would restore to him his Country; but that the Conditions offered by *France* are such, that he knows not how his Master can accept of them with any Degree of Safety.

THIS is the best Account we have of the Answers of the several Allies to M. *de Haren*, only they had some further Reflexions (in Discourse among themselves) upon the Words that M. *de Haren* had delivered himself in, as not being over-clear.

FOR Instance; he offered to the Allies the Offices of the States his Masters, for the *Modification* of the *French* Conditions; whence some would infer, that the States would not interest themselves to have those Conditions bettered, and to obtain a Peace that should be more tolerable to each of the Allies, but would give their helping Hand only in the Phrases and Forms. But M. *Haren* had not any Occasion given him to explain himself, and say what he meant by the Word *Modification*.

YESTERDAY in the Afternoon, Messieurs *Colbert* and *d'Avaux* brought me the Letter and Memorial inclosed; they told me, they had receiv'd them by an Express late last Night, and they contain'd the Terms in which the King their Master had explain'd himself to M. *Beverning*, touching the Cessation of Arms which he had desired of him. That they desired my Offices, as Mediator, to communicate them to the Allies; M. *Colbert* adding much of the Condescensions of the Most Christian King towards the States, out of the Love and Desire he hath for the Peace.

I took the Papers from their Hands, and told them, I would use all Care and Diligence to transmit them to Court, that his Majesty might please, upon my most humble Representation, to order and direct what was to be my Part upon them; that till I had the Honour to know his Majesty's Pleasure for my Government, I did hope they would dispense with me for the passing of any Offices of this Nature, excusing myself that I had not been able, for the same Reason, to execute the Commands they had lately laid upon me; which was, to impart to the Allies the Offer that the Most Christian King had made of a Truce, with an entire Liberty of Commerce till the last Day of *December* next.

M. *Colbert* replied, he hoped his Majesty had no Desire to enter into the War, now all the Parties were so desirous to get out of it, but that he would finish the good Work he had begun by his Mediation.

I told him, I doubted not but that all *Christendom* would bear Witness to that Zeal his Majesty had for a Publick Peace, and that nothing but an absolute Necessity can engage him in the War; as he hath appeared sufficiently by those Offices and Endeavours he hath used, ever since he took the Mediation upon him, to give a General Peace, such as should be safe, honourable, and lasting, to all *Christendom*.

M. *Colbert* reply'd, his Majesty had sustain'd the Figure of Mediator very much to his Glory, but that he had of late hearken'd to that Part  
of

## 368 *Letters from the Embassy at Nimeguen.*

of his People (by their Representatives) that were for a War. I told him, all the World saw who his Majesty hearkened to; and that it was not the Sense of Part of his People that he lean'd to, or would be guided by, but it was his whole Parliament, both Houses together, that would be advised by. To this his Answer was, that the Parliament would give his Majesty some Supplies for the Subsistence of his Troops; at leastwise Messieurs *les Espagnols* gave it out it would be so; some of the leading Men of the House of Commons, having promised that his Majesty should have a Supply: This I observe, that you may please to take Notice, that it is not out of Kindness to us that the *Spaniards* give out these Things, for they do not spare to load us with other *Effronteries*, as if it were our Backwardness in performing, and our Forwardness in promising, had been their Ruin; for they say, they would have made a good Peace for themselves a long while ago, but that we promised to assist them with 30,000 Men by the middle of *April* in *Flanders*. I am, &c.

L. Jenkins.

*Nimeguen, 27th May, 1678.*

Right Honourable SIR;

I Troubled you with a Letter by the last Ordinary, which was the 23<sup>d</sup>; I have likewise sent this Morning, by an Express to the *Hague*, the Letter and Memorial that M. *Beverning* received from his Masters at the *French* Camp: Since the finishing of this last Letter, I have the Favour of one from you of the 21<sup>st</sup>, and therein a Copy inclosed of your Letter to the *Hague* of the same Date, which I acknowledge with all Thanks possible.

THAT which I have now to add is, that M. *Cannon* was with me, by Order of the Duke his Master, desiring it might be represented in all Humility to his Majesty, that nothing can be more ruinous to that Duke, than a Peace upon those Conditions that the *French* have Published. *Ma Maison sera abys mée*, was the Expression the Duke begun his Letter with to M. *Cannon*; it was further said, that if the Duke was to part with his Dutchy of *Barr*, (as in the Treaty of the *Pyrennees* it was projected) he was to lose 26 Towns, and about 600 *tant Bourgs que Villages*; besides, he was to part with four of his most considerable Seigneuries, *Clermont*, *Stenay*, *Fametz*, and *Dun*, so much of Strength and Dependencies going away with those Places, as would leave him quite naked. Yet the other Alternative was worse; the losing of his Capital City *Nancy* was not to be repaired in an Age; and the Cantoning of his Country by so many High-ways through it, would be the rendring of it, *plutôt des Seigneuries écartées les unes des autres; qu'un Estat ou Souveraineté telle que la Maison de Lorraine a toujours possédée*. That there was this peculiar to his Case, that no Treaty that ever the late Duke his Uncle made with *France*, was ever so disadvantageous or dishonourable as this is; yet there was still some Hold and Pretext that *France* had to lay Hands on, and charge upon this Duke's Uncle; but there is not the least Miscarriage, Disrespect, or Colour, to be charged on this Duke.

THAT which he closed with (but not by way of Menace, he said) was, that the Duke was a Prince, as of Birth, so of Merit; and in such a Figure and Esteem in the World, that it would be difficult to reduce him so low, as not to be able to shew a Resentment; and that as he desired to contain himself within all due Respect towards the Most Chri-

istian King, and to live in good Neighbourhood with him; so he did not understand that Princes were to be brought by their great Neighbours to those Respects, and to a fair Correspondency, *par des Coups de Bastons*.

THIS Point he insinuated very gently, and still with great Respect to the Person of the Most Christian King; but desired withal, I would not forget to lay it before his Majesty, as an Argument that might move his Royal Goodness to interpose vigorously for that Duke. It was but yesterday that he received Orders to make this Application, and I promised him my most humble Representations of these Particulars to his Majesty. I remain, &c.

*L. Jenkins.*

*Nimeguen, 30th May, 1678.*

*Right Honourable SIR,*

I Troubled you on *Monday* the 27<sup>th</sup> twice, my first Letter was by an Express I sent to the *Hague*, and is thence pass'd forward; the other by the Ordinary; in the first was the Most Christian King's Letter, and his Memorial, from *Witteren*, of the 1<sup>st</sup> of *June*, *N. S.* to this State.

ON *Monday*, at 5 in the Evening, *M. Beverning* return'd hither from the *Hague*; next Day, when I would have taken an Hour of him, he sent me Word, that his Time for most Part of that Day was taken up, so that he could assign me none; but that as soon as he should be at Liberty, he would come to me; which happened to be at 5 in the Afternoon.

HAVING complain'd of the Fatigues of this Journey, he told me, that he had the good Luck to do what his Masters had sent him for; an *Armistice* they would have, and an *Armistice* he had got for them. Tho' he acknowledged he had had two long Conferences with the Most Christian King on *Wednesday* Morning, *May 22<sup>th</sup>*, (our *Stile*) and several Conferences with *M. Pomponne*; yet he did not impart to me any Thing that had pass'd, except in the Business of *Lorain*, and that he spoke as a great Secret, desiring I would make some Use of it, by my humble Representations to his Majesty: He being of Opinion, his Majesty may yet, if he please to interpose his Offices warmly in the Behalf of that Duke, obtain for him better Terms than those which *France* hath hitherto insisted on. That he had in his first Audience represented to that King, how GOD Almighty made him the Arbitrator of all *Europe*; that he hath now the Peace and Repose of it in his own Hands, to give or refuse it, as he pleaseth. That it would be great Pity, that for a Town or two, and those not without offering at the same Time some Compensation for them, (as *Toul* was offered in lieu of *Nancy*, and *Dinant* was proposed in Exchange for *Charlemont*) *Christendom* should be continued still in this calamitous War. That there are several Declarations of the Ministers of *France*, given in at *Ratisbone*, and elsewhere, whereby they declare, in the King their Master's Name, that he intended not to keep a Foot of *Lorain* from the then Duke; and if so, that a Nephew so innocent, was not to be punished for the Transgressions of an Uncle that had been obnoxious. To that the Most Christian King reply'd, this Duke is a Prince, from whom he cannot promise to himself any good Neighbourhood; but *M. Beverning* thought he began to hearken to his Reasonings, and was inclined to some such Temperament as would have rendred the Duke's State more tolerable; but *M. Beverning* (having no Instructions from his Masters to speak for any of the Allies) would not, he said, adventure too far.

## 370 *Letters from the Embassy at Nimeguen.*

AT the second Audience, when he touched upon *Lorain*, he found there was no meddling with it; but he is perswaded that the King our Master may procure *Nancy* to remain to the Duke, some Part of it being first demolished.

HE used other Arguments in his first Audience; as that the Emperor, tho' he be not over-much inclined to a Peace, yet would give into it, (that is, the Duke of *Lorain* would prevail with him so far) if he saw that the Duke his Brother-in-law had any tolerable Quarter by this Peace. That *France* doubtless did pretend, and expect to have *Sweden* entirely restored; but as it was hard to perswade the *Northern* Allies to give up what they have conquered, so the not restoring of *Lorain* would give the Emperor and them a fair Occasion to hold together.

HE told me, the Most Christian King expected his coming to him with great Impatience, and that he was disposing his Army for some Action. That he shewed him, M. *Beverning*, what a fair Prospect he had of Success, in any Thing he should undertake; knowing, he said, the State of the *Holland* Army in *Flanders*, and how Things stood in *England*; and being then advised, that the *Osnaburg* Troops had refused to march, and were gone back, notwithstanding the Duke *de Villa Hermosa* had promised to pay them off.

THE only Thing that he told me that pass'd between M. *Pomponne* and him was, to desire him not to set Things too hard upon him and his Masters, as they did in the Letter from *Deinse*, without any Occasion given on their Parts; yet, said he, M. *Pomponne* is pleas'd, in the Credentials, to take it for granted, that we in *Holland* take the *French* Conditions, even in what regards our Allies, to be *Equitables*; whereas we have always declared the contrary; and said, that tho' we were ready to accept what was offered us for our own Parts, yet that we look'd upon the Conditions offered our Allies, as having in them nothing at all of Justice or Equity; and he was so ingenuous, as to confess the Words, *capables d'affirmer pour toujours votre Liberté*, had a Sting in them that was obvious enough to see.

THIS is all I had from M. *Beverning* of his Embassy, he telling me he had nothing to ask of me by way of Office upon this Incident, knowing (as he was pleas'd to take Notice) I did not meddle in those Things that are now brought *Sur le Tapis*: His Applications would be to the Allies, and he was sure the *Spanish* Ambassadors would do what the States would have them. He told me, there was a Present of 15,000 Livres offered him, but that he had excused himself from receiving it, as he hath before done in 8 or 9 Embassies he hath gone through.

I have watch'd till just now that the Post is going, to see if I could learn any Thing of the Account that M. *Beverning* hath given of his Negotiation in the *French* Camp: M. *Heugh*, who came Home last Night, told me, he had given none to any of the Allies; yet I find he and his Colleague had already been with the *Imperial* Embassy, and M. *Balbases*, *Blaspiel*, and *Cannon*, have been, tho' severally, with him, since his coming Home. M. *Heugh* expected the like Participation to be given here, as was given to the Ministers of the Allies at the *Hague*, of what M. *Beverning* had negotiated; and therefore thinks there is something more than ordinary in it; for that M. *Beverning* is not like to be at the Assembly of the Allies at 5 this Evening, it being given out that he is indisposed.

M. *Cannon* is just now gone from me, and says plainly, the Duke his Master can never frame himself to the *French* Conditions as they now lie; and indeed, he shewed me two Letters that he is charged to carry  
and

and deliver, one to his Highness the Prince of *Orange*, the other to the States, wherein he desires their Offices, and represents to them, that either of the Alternatives will be his Ruin, or as he expresses it, *l'anéantissement de sa Maison*, and M. Cannon says expressly, as from the Duke his Master, that he will abandon his Estates, and lose them wholly, rather than come to them upon either of those Alternatives.

M. Cannon's Business with me, was to desire it might be laid before his Majesty, that notwithstanding the Duke his Master will never frame himself to the *French* Conditions, as they now are, yet he will yield to any Thing his Majesty shall think reasonable; and it his own Thought, (saying, he hath no Order at all from his Master to mention any such Thing) that it will be a Temperament his Master may be possibly brought to, that the City of *Nancy* should remain for some Time *en dépôt* in his Majesty's Hands, to be garrison'd by an *English* Garrison, for part with it he cannot; the Iniquity of that Alteration being most visible, in that it is made parallel with the Conditions intended to be imposed upon his Uncle at the *Pyrenees*: But that which seemed to me extremely material in the Discourse I had with him now is, that he takes it for granted, that the *Spaniards* will come to an Exchange with *France*, for what is remaining to them in the *Low-Countries*; his Intimacy with them, and the *Imperialists*, makes me think, he cannot but penetrate their Thoughts and Designs in that Point. He says, it will be their absolute Ruin in *Lorain*; for the *Spanish Netherlands* on the one Side, and the *Franche Comte* on the other, does so lock them up, that they shall be in the Heart of *France*. He says, the *Imperialists* give into this Opinion, that *Spain* will part with all their Interests on this Side; and that the *French* King has declared, he will not suffer any Thing to be fortified more than now it is, in that which is to remain to the *Spaniards* in the *Netherlands*. I remain, &c.

L. Jenkins.

*Nimeguen, 3d June, 1678.*

Right Honourable SIR,

MY last was of the 30th past, which was accompanied with two Scripts, which I had not Time to insert into the publick Letter; since, I have not the Favour of any from you.

It was the Expectation that Afternoon, as soon as the Post was gone, that M. *Beverning* should have entertained the Allies at their Assembly with his Negotiation in the *French* Camp, but he himself came not to them, being indisposed; nor did M. *Haren*, who was present, speak one Word of that or any Thing else; and it was observed, that M. *de los Balbases* and *de Fuente* (who used to be constant in those Assemblies) were not there that Day.

THE Allies had met the Day before at M. *de Gurck's*, in Order to prepare and adjust something by Way of Reply, to any Thing that the *Dutch* Ambassadors should say, touching the Most Christian King's Memorial, given M. *Beverning* at *Wetteren*; they intended it should have been a Memorial of, all the Allies in common, but the *Spaniards* not giving into their Sense in any Degree, they resolved to give in Memorials, each Ambassador for himself; there is not yet any come to my Hands, save that of M. *Blaspiels*, which goes herewith enclosed.

By it you will find, that the Elector of *Brandenburgh* assures himself, the States will promise nothing to the Most Christian King, which

## 372 *Letters from the Embassy at Nimeguen.*

shall be contrary to their Alliance with him, a Prince who hath not spared his Estates, nor his Blood, to save their Republick from sinking: That they, the States, having had a Month's Time to give in their Answer to the Duke *de Lunenburgh*, he the Elector hopes they will not anticipate that Time, but give him a convenient Time to deliberate of this Affair, and to give his Orders thereupon to his Ministers here, and elsewhere. That the Elector takes it for a Thing out of doubt, they, the States, will never treat, much less conclude, with *France*, before they have procured to him, the Satisfaction he is promised by the 14<sup>th</sup> and 24<sup>th</sup> Act of their Alliance; and that they will reserve to themselves the same Faculty in Regard of their Allies, that the Most Christian King pretends to reserve, in Regard of his Allies. That the Elector having entred into this War, for no other End, but to save the *Low-Countries*, and preserve his own Estates; and having never desired any Thing, but such a Peace as would be *reasonable and sure*; the good Offices in Order thereto will always have good liking, and even in treating the Condition of the Peace, he will shew his Moderation and Regard to the Reasons and Necessities that are alledg'd, in Behalf of the States for a present Peace, provided always he may attain his, which is no other than the securing of the publick, and of his own Estates.

HAVING writ thus far, I have, by the Care of Mr. *Chudleigh*, the several Memorials of the *Imperialists*, and of M. *Heugh* to enclose; they seem to be Pieces of a more elaborate Dress; but they speak a Jealousie as well as M. *Blaspiel's*, that the *Dutch* will precipitate their Answer to the *French*, even faster than they need, which I find is a common Opinion here; they conjure them to be constant and true to their Treaties, or rather take it for granted they will be so; they lay before them the Merit and the Generosity of the Succours which the Allies gave them in their Distress, as well as the Expence of Blood and Treasure in the War; they profess not only, not to have any Averseness for a Peace, but to be ready to treat it, and that they will have a special Regard to the Reasons, that incline the States to desire it so much at this Time. But the *French* Conditions, since the Manner of offering them makes them look more like Laws, than Propositions to be treated on, they (the *Imperialists* especially) cannot think it to consist with the Dignity of their Master to hearken to them.

THE *Imperialists* delivered in these Memorials to the *Dutch* Ambassadors on *Saturday*, the *Dane* and the *Brandenburgher* yesterday; M. *Beverning* continues still indisposed, and it is a Matter of general Wonder, why the *Dutch* Ambassadors have not all this while communicated with the Allies upon M. *Beverning's* Negotiation; and some will have it, that they wait for the Resolution of the States of *Holland*, who are to meet to Morrow, before they will make any further Step.

M. *Heugh* was very generous in his Expressions to me, touching the Embarrass I have with M. *de Fuente*; he said, the *French* might get the better of them, the *Danes*, in other Things, but should never in Matter of Respect to his Majesty; therefore that he would no more see M. *de Fuente*, than the *French* Ambassadors had done, unless the King his Master should command him.

M. *Beverning* and *Haren* made their Visit of Ceremony on *Tuesday* last to M. *de Fuente*, and M. *Blaspiel* on *Wednesday*; they, it seems, looking upon the Question as lying between the Ambassadors of Crown'd Heads only and the *Imperialists*, wherein the States and Electors have nothing to do; this was M. *Heugh's* Opinion. I am, &c.

L. Jenkins.  
Nime-



Nimeguen, 6th June, 1678.

Right Honourable SIR,

MY last was of the 3<sup>d</sup> Current, by one of my People that went Express; I have now the Favour of two from you, the one of the 28<sup>th</sup>, the other of the 31<sup>st</sup> past, to acknowledge; for both which, I most humbly thank you. I perceive, by the Favour of these and former Letters, that his Majesty is pleased to take notice, that I cannot but Want his Instructions to direct me in the Incidents that arise here every Day, but thinks fit to defer the giving me Orders for the present, and leaves it to me to do as well as I may: All I can say is, that I submit, with the Resignation I ought, to his Majesty's Pleasure, and shall go in every Thing the nearest I can to what I shall conceive to be his Majesty's true meaning and my Duty: Beseeching Almighty God to direct and support him in those many weighty Concerns that now lie before him.

ON Monday, M. Beverning having sent to desire to speak with me, (for he keeps his Chamber still) and having had an Account of me (for that was what he desired) of the Difficulty that lay upon M. de la Fuente about his Powers of Ambassador; M. de Haren came to me next Morning to tell me, that upon Conference with the Spanish Ambassadors, they had found the State of the Case to be exactly as I had represented it, and had prevailed with them to suppress the new *Plenipouvoir* dated in March last, wherein M. de Fuente is joyn'd with the other three, to the End, that the first *Plenipouvoir* that is already exchanged may subsist entire, and to send into Spain for a special *Plenipouvoir* to this new Adjunct; taking it for granted, I would do them the Courtesy to draw up the Form, and present it to the French and Swedish Ambassadors, that afterwards they may send it into Spain, to pass the Hand of that King. I told M. de Haren, I would readily do it, if I might be instructed, either by him, M. Balbaces, or M. Christine, for M. de la Fuente, by Reason of what had happened, (I did suppose) would easily excuse me.

UPON this Occasion, M. de Haren desired I would enter into some Temperament upon the Embarras between M. de Fuente and me; the Spaniards being willing, he said, to come to any Accommodation, excepting such as shall make a Breach between them and the Imperialists, for that an *Eclaircissement*, such as Don P. Ronquillo had given me, would unavoidably cause it.

I told him, I thought it was now too late to talk of a Temperament, seeing M. de la Fuente had made those Steps, since by the Visits that pass'd between him and them, the Dutch, and Brandenburgher, that I knew not how the Ambassadors of France, Sweden, and Denmark, who are unsatisfied as well as my self, can, as Ministers of Crown'd Heads, now enter into Visits with him: Besides that, I had given his Majesty an Account of what had passed, and he was graciously pleased not to disapprove of what I had done: Observing to him withal, that I did not understand how M. de la Fuente could be reckon'd as an Ambassador here, if the *Plenipouvoir* he brought must be suppressed, and a new one must be had from Spain, the Form whereof is not yet agreed on, nor so much as drawn up.

M. de los Balbaces professeth, as M. de Haren told me, he hath a great Concern to bring M. de Fuente into Business, and that he be qualified to treat, conclude, and sign; for that he, M. de los Balbaces, would scarce



scarce dare to sign such a Peace as this is like to be, but in Conjunction with an Ambassador that is a *Spaniard* born.

THIS Embarrass of first Visits, is unfortunately fallen out between M. *d'Odyke* likewise and me; for he coming to Town on *Sunday* Night, was resolved to call upon me on *Monday*, without sending me any previous Notice or Complement, and to go to others as his Occasion should lead him, and consequently to enter into Business without making any Visit of Ceremony at all. M. *Hengb* gave me notice of this on *Saturday*, telling me very plainly, that I having refused this very Temperament, or any other, with Count *Antoine*, it would not be fair towards the King his Master, if I admitted it with M. *d'Odyke*, and that he had told him so at the *Hague*.

THIS obliged me to write a Letter on *Monday* Morning to M. *d'Odyke*, and desired Mr. *Chudleigh* to carry it, and represent to him (as he did at large) the Reasons why I could not do my self the Honour of seeing him, unless I were notified in the first Place, and in the Forms; I acquainted M. *Beverning* with the same Thing, and with my Reasons; but this I fear is not well taken by M. *d'Odyke*, to whom otherwise I have very particular and great Obligations. He was on *Monday* at the Assembly of the Allies, and yesterday went back for the *Hague*.

IN my last, I sent you three Memorials, that the *Imperialists*, the *Dane*, and the *Brandenburgher*, had drawn up, in Reference to M. *Beverning's* Negotiation in the *French* Camp. Yesterday M. *Hengb*, and after him M. *Stradtman*, brought me Copies of theirs, and M. *Blaspiel* sent me his by his Secretary, all of them with this Complement, that they did it, to the End I might be informed of what they do, and be able to give his Majesty an Account of the Steps that are made here, by the Allies.

M. *Hengb*, in his Visit, complained very much, that the *Dutch* did now behave themselves as Mediators, and took that Business out of his Majesty's Hands, where the King his Master, and the other Allies, had entrusted it, in Hopes of having a Peace that would be in some Measure reasonable and sure, from his Majesty's Equity and Authority. That M. *de Haren* having offered them, the Allies, the *Offices* of the States his Masters, the *Imperialists* had, in their Memorial, accepted of them downright; that he, M. *Hengb*, avoided going so far, saying indeed, the King of *Denmark* would be ready to hearken to the *Advice* and *Counsel* of the States, but not a Word of their *Offices*; that M. *Blaspiel* had gone a middle Way, saying in the general, all good *Offices* would be welcome with the Elector, but not specifying those of the States, as they were offered.

ANOTHER Thing he complain'd of, that there are Endeavours used to draw the whole Negotiation hence to the *Hague*, and that the *Spaniards* are aiding all they can to remove it thither; this he conceives may be one Reason, why M. *Beverning* hath given no Account of his Negotiation here; and yet the Deputies of the States have done it solemnly to the Ministers of the Allies at the *Hague*. That tho' the *Spaniards* have surrendred themselves to the *French* Conditions, in the Manner and Form they are prescribed, and to the Management of the *Dutch*, as to all the other Circumstances of the Peace; it is possible the rest of the Allies may not be so low spirited, to be sure the King of *Denmark* is not so; he will, rather than submit to the *French* Way of prescribing, *hazarder le tout, pour le tout*; and lose not only what he hath got, but what he had before with Honour, rather than keep them

on

on such Terms. Thus *M. Heugh*; yet not without mingling some Reflexions, upon Preparations that are (it seems) a making at *M. de los Balbases*, of new Liveries, which are, he said, to be prodigiously rich, against the signing of a Peace, that is to be the most miserably poor that ever was.

*M. Stradtzman*, in his Visit, was pleased to run over several other Matters; as,

THAT it would be an infallible Means to close up our Misunderstandings in *England*, and to take out all Jealousie by the Root, for his Majesty to enter into the War against *France*. That notwithstanding *Holland* and *Spain* left the Party, yet his Majesty's Forces would be sufficient to fill up that Gap, tho' he should not furnish near the Proportion of the *Holland* Troops; for that the Allies would be sure to have an Army of 30,000 Men upon the *Meuse*, which, together with the Army in *Germany*, would oblige *France* to divide its Forces now more than ever, especially if *England* should attempt any Thing from Sea upon the *French* Coasts.

As he said nothing but what was very problematical on these two Points, so it was the easier for me to argue in, for that Part which I take to be ours in the present Conjunctions; he wish'd I had had Orders to enter into Negotiation with him and his Collegues; he would make it, he said, appear to me, 1<sup>st</sup>, That the Army of 30,000 Men upon the *Meuse*, would be got up and ready in ten Days Time. 2<sup>dly</sup>, That the Princes and Estates of the Empire would stick firmer than ever to the Emperor. 3<sup>dly</sup>, That the *Northern* Allies would act with more Vigour than ever, if *England* would but once declare; so that, as far as I can perceive, all resolves into this, that if *England* do declare, then the Emperor, upon the Strength of its joining with him and the *Northern* Allies, will probably go on in the War this Summer; if not, he will give into the Peace.

'Tis pretty apparent that the Emperor hath no Mind to the Peace as 'tis offered, and that the Manner of prescribing it, is the hardest of all to be digested; but that the Impossibility of saving *Flanders*, the Separation of *Holland*, the usual Divisions in the Empire when Things go ill, and the dangerous State of *Hungary*, will bring him to it.

*M. Stradtzman* says, there have been Conditions offered the Emperor in order to separate him from his Allies, and the Offer was by the Cardinal *d'Estree*, being at the Court of *Bavaria*. He told me, he and his Collegues would probably, upon the Return of the Courier they sent for *Vienna* on *Monday* was sevennight, have Orders to come to me, and to enquire of me, and in a Manner (as I understood him) to summon me, in order to know what his Majesty will resolve to do for the Emperor, to procure for him a tolerable Peace. I let him see how unlikely it was I should be able to give them any Answer, my Business here being no other but to go between the Parties, and to pass Offices upon what they ask one of another; it being extreamly improbable his Majesty would descend to open himself to me, upon a Question that cannot properly be put to him from hence, since the Emperor hath a Minister that is now residing at Court: However, if they should give themselves the Trouble of putting any Thing of that kind to me, I would be sure to make a faithful Report of it, with all due Humility, to his Majesty. I am, &c.

*L. Jenkins.*

*Nime-*

Nimeguen, 7th June, 1678.

Right Honourable SIR,

**J**UST now came to me the two *Dutch* Ambassadors, and having told me, they had receiv'd an Express from the States their Masters, with Orders to enquire and know of the *French* Ambassadors, whether they were impowered to conclude a Treaty of Peace with them, the *Dutch*; and having been answered, they were so, they had since adjust-ed with them, the *French* Ambassadors, not only all Matters, but the very Articles and Words of a Treaty, as to what relates, 1. To the Commerce. 2. To the Principality of *Orange*, not without the Knowledge of his Highness the Prince first had. 3. To the Rendition of *Mae-stricht*. 4. To the General Articles usual in a Peace. 5. To the Preface intended for this Treaty; which Preface they thought themselves obliged, they said, to communicate to me; the Copy whereof goes herewith inclosed.

IN Regard there was Mention made in it at large of his Majesty and his Mediation, their Desire to me was, that I would consider of this Preface, and see if I had any Thing to object to it; and that if I had, they did desire to hear from me some Time to Morrow in the Forenoon, that they might advertise the States their Masters thereof; they were willing to give me so much Time, and therefore the Preface was not so much as read in our Conversation; the Answer (now after once reading of it) that I intend to give them will be, that I shall not presume to give any Thoughts of my own, especially being here all alone, upon a Writing of this Importance, that is intended to be transmitted to all Posterity: I shall tell them, I have already sent it, (as I now do) in order to obtain the Honour of knowing his Majesty's Pleasure upon it; this is all I shall answer. I took Notice to them, that his Majesty will doubtless expect from me some Account, and in all Reason, a Copy of the whole Treaty, as well as of the Preface; they told me, I should have a Copy of it as soon as it can be writ out. I thought this Preface well worth the sending away in all Diligence, intending that the Treaty itself shall follow as soon as I have it.

THAT which they told me moreover was, that the States are resolved to conclude their Treaty, at or before the last Day of this Month, *N. S.* and that the *Spaniards* are resolved to do as the States do. If this be done, they think there will be great Inconveniencies avoided; that of entering into a Neutrality with the Allies of *France* especially; besides that, being in Peace, they will be able to do somewhat for their Allies; they mean, I doubt not, by way of Mediation.

I asked them, what they would do for us in *England*; whether they intended to leave us in the lurch? They answered me, they would make good their last perpetual League, and will even make a stricter one with us. This gave me Occasion to speak freely to them, that I wished they would observe this last League better than they did that in *January*; but they throw back all Failings upon us: They had not yet communicated this Resolution of the States to the *Imperialists*, *Dane*, or *Brandenburgher*, but they will do it, they say, to Morrow; and, if I mistake them not, they will, whatsoever Answers those Allies have from their Courts, go out of the War before this Month be ended: They would have intreated me to perswade the Allies to give in to this Peace, at the same Time with them, the *Spaniards* and *Dutch*, but I excused myself absolutely from entering upon any such Office.

I know

I know not whether his Majesty will think fit to give his Reflexions and Pleasure upon this Preface, before the End of the Month, *N. S.* that is, before the *French* and the *Dutch* do sign their Treaty; here are now but 12 or 13 Days to do it in; the Word *Devoirs* is not used, that I know of, in such a Sense towards a great King; where they have met with the Stile of *Tres-illustre*, which they give not only to his Majesty, but to the Most Christian King, I have not yet Time to enquire; but I shall, as thus advised, give no Opinion or Reflexion one way or other; till I have the Honour to receive his Majesty's Pleasure. I am, &c.

*L. Jenkins.*

*P O S T S C R I P T.*

I desire it may be observed, that if his Majesty should please to command me any Thing here, I am without a Commission, the *Quorum* being two; and Copies of our Commission being long since given.

*Nimeguen, 8th June, 1678.*

*Right Honourable SIR,*

**I**F I told you last Night in my Letter, that the Article touching his Highness the Prince of *Orange* was adjusted, it was a Mistake; the *Dutch* Ambassadors tell me just now, 'tis only given in to the *French* Ambassadors here, and they give good Hopes it will be admitted; if separately, and with a relative Article, as they intend it, then so much the more Honour.

*THE Dutch* Ambassadors have had a Conference this Afternoon with the Allies, and have push'd them to Purpose, yet the *Imperialists* have got Time of them till *Tuesday* to answer.

My Answer upon the Preface was, to thank them, and to observe to them, that, according to the Tenor of it, (if I understood it rightly) his Majesty's Ministers here are to sign the Treaty: *M. Beverning* told me, the Thing had been done in Hast, but it was intended according to the *Munster* Precedent, and that there the Mediators had not signed: I told him, it was true the Pope would not meddle in that Treaty, because he damn'd the Alienations of Church Revenues in it, and partly because the *Swede* was *Lutheran*; the Pope thus not meddling, *Venice* would not; partly out of Deference to him, and partly for that the Guaranty was ticklish, the Peace being not general, for *Spain* stood out. But, under *M. Beverning's* Favour, this Preface is in a Manner Word for Word the same with the Preface to the *Breda*, not *Munster* Treaties, and there the *Swedes* signed; and I was sure it was not fit for me to sign without his Majesty's Knowledge or Orders; but I told them I had, as soon as they were gone last Night, sent away the Preface by an Express; and that I hoped I might have his Majesty's Orders upon it before the 20th Current, *O. S.* I think I told you in a *Postscript* last Night, that we must be a *Quorum* here of two at the least, and that our Commission must be inserted into the Treaty; they have Copies of it already; in the Treaty of *Breda*, the King of *Sweden* and his Estates are taken in and comprised by express Article. In the Project which I sent you a good while ago of the *Dutch* Treaty with *France*, (I do not mean that of the Commerce) it is not so; and this they intend to give me now, and to pass with the *French*, is the same, they say, Word for Word. The Word *Tres-illustre* they have, I think, out of the *Aitzema's* Translation

## 378 *Letters from the Embassy at Nimeguen.*

of the *Breda* Preface, where he uses *Doorluchtichsten*; they desired my Remarks upon any Thing I should desire to be changed in the Preface: I told him, it would then be Time enough to offer them, when I were instructed what Part or Interest his Majesty would please to have in the Treaty itself: I think the little Inversion or Disguise that M. *Beverning* made in this from the *Breda* Preface, in naming the Ministers of the Parties first, and then those of the Mediators, is not worth the taking Notice of: But certainly, if his Majesty should enter as a Mediator into the Treaty, the express Article for taking him in, will be indispensably necessary; the *Dutch* Ambassadors were at me again, to persuade the *Imperialists* to come into this Peace. M. *Colbert* told the *Dutch*, they will come in, he is confident of it, as well as the other Parties; the *Dutch* told them, the *Imperialists*, the States are resolved not to go into this 6 Weeks Cessation, to have their Hands tied up; but to put an End to their own Affairs, and thereby to be in a Condition to do for their Allies all they can; I suppose they mean by taking upon themselves to mediate between them and the *French*. I dare not presume to desire your Orders upon this Preface, I leave it wholly to your own Time; only you see what the Thing is in its Nature, and I shall be summoned to sign before the End of the Month, tho' they are not yet aware of the *Quorum*. I remain, &c.

*L. Jenkins.*

*Nimeguen, 10th June, 1678.*

*Right Honourable SIR,*

SINCE my last of *Thursday* the 6th Current by the Ordinary, I troubled you with a Letter on *Friday*, and another on *Saturday*, by the Conveyance of Mr. *Hyde*, if it overtook him at the *Hague*; but for Fear it should not, I send the Duplicate of it herewith inclosed. I have since received the Honour of yours of the 4th, whereby I perceive it is his Majesty's Pleasure, still to leave me to do as well as I can of myself: I should resign myself absolutely to his Majesty's Pleasure in this, and in all Things else, tho' I saw no Reason for it; but as Things stand, the Reasons seem to me to be so visible, that (be the Consequence hereafter what it will) it becomes me at this Time to acquiesce in them.

I hope I was well founded, when I made it out to the *Dutch* Ambassadors, that their Preface imply'd I was to sign their Treaty, for so did the *Swedish* Mediators at *Breda*, and you will find this Preface and that to be the very same; the last Resolution of the States, I am now told, was not positive, that they would finish their Treaty before this Month was out, *N. S.* but it was, that their Ambassadors here should press the Allies all that was possible, and have their final Answer, whether they would go out of the War with them at the same Time or not; if they did, they would be able mutually to warrant the Peace; which could not be, if the *Dutch* made up theirs first, and left their Allies in the War.

THE States, when they meet on *Wednesday* next, will come to a final Resolution what Day their Treaty with *France* shall be signed; and 'tis in that View that the *Dutch* have press'd for the Answer of the *Imperialists* by to Morrow Morning, that it may be with the States on *Wednesday*, before they come to their Resolution.

M. *Ducker* tells me of a Bustle M. *Schwerin* has lately made on that Side, as if the Elector was like to continue in the War, whatever others did;

did; but some of the Allies here do look upon his late slack Preparations, as a strong Argument of the contrary; it was *Friday* last, as it was thought, that the *Dutch* came to a final Adjustment with the *French* Ambassadors, and that then was first delivered the Article for the Prince of *Orange* to the *French*.

I must not forget to tell you, that the *Dutch* Ambassadors had Recourse to the *French*, in order to know, by their Means, what M. *Oxenstiern* was resolved to do as to the Peace; we having delivered him and his Collegue the Project of a Treaty above a twelvemonth ago, and they having not returned the *Dutch* any Manner of Answer upon it: The Answer, as I am told, that M. *Oxenstiern* gave them yesterday by the *French* was, that he was ready to conclude and sign that Project with the *Dutch*.

Tho' I was with M. *Oxenstiern* last Night, he told me not a Word of this, or of the Negotiation now on Foot; only took Occasion by the by to tell me, there was an Imputation laid upon him, and was managed with much Industry in the Court of *England*; it was, that he had declared here, that the King his Master could not accept of the 6 Weeks *Armistice* that *France* had proposed; whereas he never made such a Declaration; but, on the contrary, had upon several Occasions said, he believed the King of *Sweden* would give into it, there being, he said, much Reason for *Sweden* to bring all Manner of Facility to what the Most Christian King should desire or propose, in Regard he keeps so close to his Engagements to *Sweden* at this Time; this he desired me to insinuate, when I should write to Court, that he may not suffer by what his Adversaries report of him.

I send you herewith Copies of the Treaty, as 'tis agreed between the *Dutch* and the *French*, and of the Article relating to the Prince of *Orange*. The Treaty is the same in a Manner that I have sent you already; only there is one Article added, that in case of a Rupture again, there shall be 9 Months Time to withdraw their Effects and Estates of one Side and the other; another Article there is, for taking in such as shall desire to be comprized.

BUT that which I desire your Reflexion upon is, that in the Project I sent you a while since, there was a Line or two intended to introduce the Treaty of Commerce, as if the whole had been intended to be inserted, and that of Commerce, with this of the Peace, to make but one Body of a Treaty; but in this Project I now send you, there is no such Introduction: This I took Occasion to observe to the *Dutch* Ambassadors, but they were pleased to give no Answer to that Remark, nor to offer me any Copy of their Treaty of Commerce, as they have now agreed it; which makes me think it will be a Body of Articles apart, and in that of 62, the twelve first you know was a defensive Alliance.

I was in Hopes to add somewhat to this Day's Dispatch out of the Resolution of the Allies, that an Assembly this Forenoon, an Hour unknown and unused, they sat from 10 to almost 1. I was at M. *Christine's* since the Assembly was up, and ask'd him what was done there that was communicable without Doors; he told me, all of them express'd themselves so, *que tout va a la Paix*; but before he explained himself in what had been said, he entered into a passionate Representation of the ill Condition of the *Spaniards*; he said, 'twas impossible such a Way of Proceeding, as that of the *French* is, should have any Tendency to a Peace that is to be lasting; his King, and all other Princes, must have a Resentment of such intolerable Dealings. The demanding of *Dinant*, said he, is an impossible Thing to be complied with, and therefore an

## 380 *Letters from the Embassy at Nimeguen.*

Argument the *French* did put them upon Things that were impracticable; that they might have some Colour to refuse them the Peace; *Charlemon*, he said, they cannot part with, 'tis the only Cover they have for *Namur*; two Chastellanies they have, and will have all that belongs to *Mons* and *St. Ghillain* demolished, that there may be nothing to cover *Mons*; and 'tis for that Reason, they would have the Verge of *Menings* that belongs to *Courtray*; for there is some little Place there, that would hinder them (if the *Spaniards* had it) to put their Cannon upon the *Lis*, and to bring it in one Night to the Gates of *Courtray*.

ANOTHER Account is this; that the Allies being to give the *Dutch* Ambassadors an Answer, whether they would come into the Peace or not, before the 1st of *July* next, *N. S.* the Allies (I suppose the *Spaniards* excepted) gave their Answer in Writing. *M. Heugh's* was, that the Time was too short; that he hoped, tho' the *Dutch* should make their Peace, yet they would have all the Regard possible to their Engagements with their Confederates. *M. Cannon* was there, and still preach'd the absolute Ruin of his Master, and that by such Measures, he is to be no more Duke of *Lorain*.

My little Intelligencer comes and tells me, that the Most Christian King will not enter into the six Weeks Cessation, but will push on the War, being sure of *Mons*, and ten or eleven Thousand Prisoners of War; that by the Answers from hence, the States will come to their final Resolution on *Wednesday* next, and will send on *Thursday* their final Answer, either to *M. de Luxemburgh* at the *French* Camp, or both. I am &c.

*L. Jenkins.*

*Nimeguen, 13th June, 1678.*

Right Honourable SIR;

SINCE my last, which was of the 10th, we have no Letters out of *England*. I gave you in a Kind of a *Postscript*, I made a Shift to write to that Letter (the Duplicate whereof goes herewith) the Account I had then got of what had pass'd in the Conference of that Day, between the Allies and the *Dutch* Ambassadors.

THE Papers which I take leave herewith to enclose, will be a more distinct Account of what the Allies then spoke; 'tis true, they were not given in as Memorials to the *Dutch* Ambassadors, but they are communicated from one Ally to another, as Extracts of what they had then said, and of what had entered afterwards into their Protocols. You will find the *Imperialists* do lay hold of the Offer the *Dutch* Ambassadors had made in the Name of the States their Masters, to procure to the Allies Conditions that should be more reasonable; those Ambassadors having confessed the *French* Conditions to be too hard, and such as were not to be swallowed up whole. They demand likewise, that the *Dutch* would procure the *French* to enter into Treaty with them; that Care may be had of their Allies, and especially of the Duke of *Lorain*, who is worst of all dealt with; as also that the States of the Empire may be satisfied.

THE *Dane* complains the Time is too short, as the States order it; he conjures them to do nothing that shall be to the Prejudice of the 18th Article of their Alliance with *Denmark*; and that the King of *Denmark* is ready to make a Peace upon reasonable Terms.

M.

M. *Blaspiel* relates what the Elector had done, both to prevent this War, and to get out of it by a good Peace; that he has not yet an Answer upon the Most Christian King's Memorial and Letter of the 1<sup>st</sup> of *June*, from *Wetteren* by M. *Beverning*; that he hopes, tho' Necessity should force the States to a separate Peace, yet they will have a Regard to their Alliance with the Elector, that that may still subsist. That in the *French* Conditions, there is nothing of any Terms upon which a Peace may be made between *France* and the Elector; that those Conditions of Peace with *Sweden* sont indignes, and contrary to the Obligations of the States to the Elector.

M. *Cannon* gave in no Memorial, but discoursed at large to the same Effect with the Letter here inclosed, that the Duke his Master had writ to the States; whereby he tells them, that either alternative will be equally the Ruin (*l'Ancantissement*) of his Sovereignty and his House. For that if his Dutchy of *Barr* be taken from him, he will not only lose a Country 35 Leagues long, and 18 broad, with about 26 Towns, and near 60 Bourgs and Villages in it, but he will be deprived of that Part of his Estate which is least ruined, and where there are some Inhabitants left. If *Nancy* be taken from him (which is the other Alternative) he will lose the only Dwelling-House he has: Besides that, it is the Centre of his Country, having in it the most faithful of his Subjects, and the clearest of his Revenue; that the *Provoosté* of *Longurie* being taken from him, all Communication with the *Spanisk Netherlands* will be cut off; and the Highways being assign'd thro' his Country, as projected, it will cease to be a Sovereignty, and will be no more but several Lordships canton'd and divided the one from the other, by those Highways that must be reckoned to be *French* Ground.

ON *Tuesday*, M. *Oxenstiern* coming to tell me, he pretended to give in his Power in *Swedish*, if the *Spaniards* would needs give theirs in *Spanish*, and not in *Latin*, took Occasion, as it were by the by, to tell me, he had been summoned by the *Dutch* Ambassadors to answer to their Project of Commerce; that the Answer he gave the *French* Ambassadors, who brought him this Summons, was, that the King his Master had designed a Commissary to come over hither on Purpose, being instructed to treat the Business of Commerce; but that the Passage being not free, he hath not been able to come, nor is M. *Oxenstiern* instructed upon that Subject. That the King of *Sweden* intends really to come to a Settlement of the Commerce; and that M. *Oxenstiern*, being otherwise ready to conclude and sign a Peace with the *Dutch*, will by a special Article engage that the Matter of Commerce shall be treated, and finished within a Time prefixed. That the *Dutch* should make no Difficulty to accept of this; it having been what they demanded of *England* in the Conferences at *Cologne*, and what they came to in the Treaty of Peace with *England*, the settling of the Commerce being referred to another Time. That the Project given in by the *Dutch* for the Commerce, has great Grievances in it, and those not only to the *Swedish* Nation, but to the *English*, and other Nations and Neighbours.

HE gave me Part of this, to the End I might know what is past; that it was true he gave his Answer in Writing, but it was not sign'd nor in Form, it was only for more Certainty, and for the Help of the *French* Ambassadors Memory; but he left no Copy of it with me.

•HE was going, he said, from me, to learn of the *French* Ambassadors, what the *Dutch* had said to this Answer, and thought it would be hard that the *Dutch*, having not entred into this War with *Sweden* upon any Difference relating to the Commerce, (as appears by their *Manifesto*) should



should now refuse to return to the Peace, because the Commerce cannot be settled at the same Time.

THE same Evening, M. Cannon was with me, being newly come from the *Hague*, and professing that all the Duke his Master's Hopes lie in his Majesty's Protection, speaking otherwise despondingly of his Hopes at the *Hague* (I mean from the States) but he is the most satisfied as can be, of the Prince's Generosity and Affection for his Master. His last Orders, he says, were still to insinuate here the absolute Dependence of that Duke upon his Majesty, and to pray that I would still make my humble Representations of it, it being the Resolution of his Master to live in Exile, rather than receive his Estates so mangled and torn, as they are now offered him. I perceive it is M. Cannon's Opinion, that the Emperor and the *Northern* Allies are like to continue the War.

THE *Spanish* Ambassadors seeing that M. de Fuente would never be able to get into Business, in Virtue of the Powers I told you of in some of my late Letters, resolved to procure a special one for him, and desired me to draw up the Project of a Power for a fourth Ambassador. I did it in Blank, as it goes here enclosed; presuming I was not to refuse such an Office, it being merely Preliminary; and afterwards, at their Entreaty, I carried it to the *French* and *Swedes*, who have been pleased to allow of it: The *Spaniards* having translated it into *Spanish*, sent it on *Monday* last for *Madrid*; and M. *Christine* told me, they do not expect the Return of it in Form in less than six Weeks Time; and 'tis a Riddle to me, and so it is to the *French* Ambassadors, what use it will be of to them, if they be in earnest for concluding the Peace as soon as it is given out.

M. *Christine* being with me about this Power, asked me, whether I would pass any Offices for them with the *French*, in Order to have the Conditions that have been published (or rather prescribed here) somewhat moderated; but I excused myself, for that I had not yet passed any Offices relating to those Conditions, nor could resolve to do it till I were better instructed in his Majesty's Pleasure upon them. This he seemed to be much troubled at, saying, they knew not how to frame themselves to enter into a direct Commerce with the *French* upon those Conditions; that it was true, the *French* had declared they would be content to treat with them, but it must be upon the Foot of those Conditions, and without taking away or diminishing any Thing that *France* pretends to by them; however, I did persist in excusing myself.

YESTERDAY was with me a Gentleman of the Prince of *Ligne's*, pressing for Offices in his Majesty's Name, upon the Pretensions I sent you long since, of having some Settlements that were made in the long Truce of 1609 continued, and made good by the Treaty that is now to be made. I have from him a Resolution of the States, together with their Letter (that goes herewith) to their Ambassadors here, to do their best in that Business: But this being a Matter that must come in by Way of Article or Appendage to the Treaty to be made between *France* and *Spain*, I did not think I could well meddle in the one, and yet keep off from the other; therefore excused myself, and I think I was well founded, in that the Nature of this Thing (since it ariseth not from the War, but is in itself a Matter purely judicial, as to the Infractions made by the Prince *d'Espinois*) does require a special Order to enable me for it, being in Truth out of our Commission; and therefore I to'd him, that as the *Dutch* Ambassadors were provided of special Orders, to appear in a Matter so foreign to the Negotiation of this Time and Place, so I did not think it fit for me to enter upon it without the like

like special Orders; which made him say, he would write to M. *de Burgomayne* to move his Majesty in it.

M. *Wederkopp* was at me likewise for my Offices; to get him admitted into this Assembly; and that I would humbly move his Majesty in the Name of the Duke of *Holstein* his Master, that his Majesty would be pleased to speak to Count *Antoine* on that Side, for that a Word from his Majesty to the Count will procure his Admission here; or else, if he should so think fit, M. *Wederkopp* believes the *Dutch* Ambassadors, if spoken to in his Majesty's Name, would join their Offices with us here, to bring the *Dane* their Ally to do Reason in this Matter.

M. *Petcum* being with me last Night, complained much that the *Dutch* do already enter into the Mediation, apprehending they will use their Allies of the *North* very courselly: However, the King his Master is resolved, rather than not have a Peace that is fair and reasonable, to lose all he hath got. He is sure the House of *Brunswick* will do so; and that the Duke of *Hanover* will rather take Part with them, than against them; they are most sure of the Elector of *Brandenburgh*, but they are afraid *England* will take Part with the *Suede*; and that, he says, has been the Occasion of giving in some Memorials in *England* by the *Danish* and *Brandenburgh* Ministers there. I remain, &c.

*L. Jenkins.*

*Nimeguen, 15th June, 1678.*

*Right Honourable SIR;*

MY last was of the 13<sup>th</sup>, since which I have the Favour of yours of the 7<sup>th</sup> to acknowledge. The Occasion of this by an Express is, that this Day at Noon M. *Beverning* came to me, by Order from the States, to tell me, he hoped the *French* Ambassadors would, either this Evening or to Morrow, receive Orders upon the two Points that are yet undecided between them; the one is but a Word relating to the Commerce, which the *Dutch* are resolved to take as the *French* shall pen it, rather than make a Business of it; the other is, the Article of the Prince of *Orange*, wherein they hope to receive a favourable Answer; these two Points being fixed, they will come, he said, and make it their Request to me, in the Name of the States, to sign the Peace; but saying withal, that if I should excuse myself, they must go through with it, and will sign it before the End of the Month. I gave him an Account, as I had done before, that as soon as ever I received from him the Draught of the Preface, wherein there was mention of his Majesty's Mediation, I had sent it away for *England* by an Express; that as I was then without Orders, so I am still, for a Matter of that Importance; but as soon as I had any that should be for his Satisfaction and Service, I would be sure to give him Part of it.

He told me by the by, that the *French* Ambassadors had made some Change in the Preface, but it was for the better, setting forth the Condescensions of their Master towards this State; but that the Respect intended to be given the King our Master as Mediator, did stand entire as it was; he did not, he said, enter into Contention about these fine Words, being but Wind, and such as he would not stick at: He added, that the States had given them Orders to dress a special Article, whereby his Majesty may be comprised in the Treaty, as the King of *Sweden* was in that of *Breda*.

HE said, this was not all he had to say to me, for he wished, he said, (out of Complement, I suppose) he had some of my Help, for that they were fallen into a horrible Embarrass; it is this, that they going between the *French* and the *Spaniards*, in order to adjust the Treaty between them, the *French* had declared to them last Night, that they would not void any one of the Places they hold in the *Spanish Netherlands*, until *Sweden* be effectually restored to the Places taken from them; no, notwithstanding that the Peace were already signed and ratified between them: This, he said, was an Incident that surprized him infinitely, and so it will his Masters, who dreamt not of this, when on *Wednesday* last they came to a Resolution to make the Peace; and will, without doubt, be much to seek, unless the *French* do depart from this Pretension.

THE *Spaniards*, on the other Side, are in a Manner wild, he said, upon the hearing of this, and will not promise to accept the *French* Conditions, (whereof they had given them, the *Dutch*, good Hopes all along) unless they be assured beforehand, that they will forthwith void the Places they are to restore to the *Spaniard*. And that they will restore *Paycerda*, and all other Places taken or to be taken, besides those that are to remain to them by the Treaty; this they will have a Declaration of beforehand, they say, or else they will not treat at all: Nay, a Gentleman that told me this News about an Hour before added, that the *Spaniards* now speak it out, they will let the *French* take all the *Low Countries*, and then, say they, let the *Dutch* look for their Barrier where they can find it.

M. *Becerning* told me further, that his Masters are in Pain, for that the *French* are like to fall upon the Elector of *Brandenburgh* in these Countries of *Cloves* and *Razenstein*; which, as they will be sure to carry whenever they do attack, so the Neighbourhood to them thus near, will be an extream Trouble and Danger; that the Elector does indeed offer the *Spaniards* an Army of 30,000 Men; the House of *Brunswick* and the rest of the Allies offering to bring 20,000 more into the Field; but what Good this may do, he, M. *Becerning*, would not take upon him to resolve; but was hearkening very much whether our Army in *England* was yet disbanding, or else like to be kept on Foot for some Time. His Reflexion was, that no body could tell what this would come to: If, he said, *France* will keep all those Places in the *Netherlands* filled with their Troops, it is in vain that the States have taken so much Pains about their Barrier, for they will have none when all is done. Another Thing he observed, that M. *Colbert* had objected unto him with great Soureness, it was, that the Prince and the States do connive at the *Spaniards* engaging some of the Troops that the *Dutch* do disband in the *Low Countries*: That he had answered, there was no Colour to find Fault with them for this, since they would not do it but upon this Account, that the *Spaniards* are to go along with them out of the War; and that having no Men of their own, they must have Men somewhere or other to garrison their Places: That it would have had the Weight of an Objection, if they had let their Troops to any of their Parties that continue the War: But this Observation was, to shew how ready, and upon what small Grounds, the *French* are to find Fault.

WHEN M. *Becerning* was gone thus far with me, he broke off, telling me, he and his Colleague were to have a Conference with the *French* Ambassadors after Dinner, and that they would afterwards call upon me.

THEY came, but found me engaged in a Visit which the three *Imperialists* gave me: As soon as that was over, I went to the *Dutch* Ambassadors House, where they told me, they had discoursed with the *French*

*French* Ambassadors at large, the Unreasonableness of not evacuating the *Spanish* Places upon signing of the Peace; 1<sup>st</sup>, For that the War against *Sweden* might last several Years, and that the Issue might not be so favourable to *Sweden*, as to bring the Allies to give it entire Satisfaction; and in that case, *France* would still have a Pretext to keep those Places. 2<sup>dly</sup>, That the Barrier which the *Dutch* have so much insisted upon, should all this while be in the Power of *France*, and they lie exposed. 3<sup>dly</sup>, That it was not in the least in the Power of *Spain* to bring their Allies to give more or less Satisfaction to *Sweden*, the *Spaniards* sitting down themselves with the greatest Loss of all. 4<sup>thly</sup>, That the Most Christian King had, both in his Letters to this State, and in his Discourse with M. *Beverning*, assured it was his Meaning to leave a Barrier, and to give Repose to this Country; but as the Case is now put by the *French* Ambassadors, they will have neither the one nor the other.

THE *French* Ambassadors answered all that was to be said upon these Arguments, but still held their Conclusion, that *Sweden* must be satisfied before they would void these Places. All that the *Dutch* could get from them was, that they would take Time till to Morrow to look again over their Orders, and to compare the latter with the former; besides that, they hoped by to Morrow's Post to receive their King's final Pleasure upon this Point, as also upon the Article relating to the Prince of *Orange*, and the single Word abovementioned relating to their Commerce. When I pressed the *Dutch* Ambassadors to know what they thought in their own Judgments this would come to, their Answer to me was, that the *French* did not speak in this Point so positively and peremptorily as they guessed they would have spoken, if their Orders had been precise and final; so that they hoped they might not finally insist upon it; but in case they did, they, the *Dutch*, did not see how this Peace could possibly go on.

THO' the Resolution be not final, and to Morrow or next Day they may come to it, and even to the Contentment of the *Dutch*, yet I thought it my Business to give Notice the soonest possible of this Incident; for if they should happen not to close, but to break upon this Point, his Majesty is infinitely concerned in the Event, and consequently in the Notice; but that it cannot be certain whether they will break or not, may be gathered hence, 1<sup>st</sup>, For that M. *Beverning* was, when he first spake to me, somewhat anxious we should not be too forward in *England* in disbanding our Army: And 2<sup>dly</sup>, That the End of the *Imperialists*, in their Visit to me this Day was, (tho' they pretended to desire my Offices, wherein I excused myself to them, as they knew I would) to learn what they could from me as to the State our Army was in; and when M. *de Gurck* was telling me (from some *German* Gentlemen that had been at some of our Rendezvous) what brave Men they were, and what Pity it was they were not employed; M. *Kinski* said, (with Reference, I doubt not, to this new Incident) that he expected to see Things brought about again, and to see them all draw their Swords for the common Cause.

ANOTHER Thing the *Dutch* Ambassadors told me was, that the *French* expected to have an express Article in their Treaty, whereby the *Dutch* should be obliged not to assist, directly or indirectly, any Enemy of *Sweden*, no more than of *France*; this, they said, would be a most shameful Thing to stipulate by Article, before the Peace between them and *Sweden* was made; *Sweden*, he said, might have the Effect of it tacitly, but they could never answer it to their Allies, nor to the World, to suffer their Hands to be tied up with relation to such an Enemy,

## 386 *Letters from the Embassy at Nimeguen.*

especially since *M. Oxenstiern* gives them no Manner of Satisfaction in the Point of Commerce, which is the only Point in Controversy between them ; but gave them in a Paper, which *M. Beverning* did slight very much in his Reflexions upon it.

A *third* Thing was, that the *Dutch* Ambassadors having Orders to propose to the *French* a Neutrality for the Countries of *Cleves* and *Ravensstein*, in Regard of the Neighbourhood of those Places to the States Territories, *M. Colbert* did storm at them, and fell into such a Passion, that he would needs presently break off all Treating, and send away a Courier this Night, to advertise their King, that the *Dutch* intended not a Peace, but to give the Law to them here, and to spin out the Time with Delays and Amusements ; therefore that it was fit for them, the *French*, to advertise their King with the soonest possible, that he may begin the War again with the Beginning of *July*, *N. S.* and think no more of a Cessation.

ONE Argument the *Dutch* press'd unto them for this Neutrality was, that it would be in vain for them to have a Barrier on the *Flanders* Side, if the *French* should come and plant themselves so near in their Neighbourhood, and press with all the Inconveniencies of War on this Side.

THE Storm upon this last Point was not to be calm'd, but with putting off the Debates of all these Points till to Morrow.

ONE Thing *M. de Haren* added, upon *M. Beverning's* saying, that there is some little Castle near *Dinant* that the *French* have now found out, and will needs have, together with that Place, if the *Spaniards* will not let them have *Charlemont* ; it was this, that he verily believes the *French* would keep some Place or other in the *Spanish Netherlands* in their Hands, till the Prince of *Liege*, his Chapter, and his Estates, can be got to make over that Place ; which God knows when that will be.

ANOTHER new Thing that the *French* started to day was, they would have an express Article for the restoring of the Marquisate of *Bergben op Zoom* to the Count *d' Auvergne* ; the Observation they made upon this and the whole Matter was, that the *French* are very exacting in Points where they are to gain any Thing, and very touchy where any Thing is demanded from them ; nor can I say that they seem to be other than dissident of the Peace, upon the present Complexion of the *French* Ambassadors.

As soon as I can learn the Resolution of the *French* upon the voiding of the Places, which I take to be the great Point at present, I will endeavour to give you Notice with the soonest possible. I remain, &c.

*L. Jenkins.*

*Nimeguen, 17th June, 1678.*

Right Honourable SIR,

MY last was of the 15th, at ten at Night, by Express ; I have since the Favour of yours of the 11th, by him that went Express from hence the 4th Current ; it is with the deepest Sense of Duty possible that I acknowledge that Royal infinite Goodness, wherewith his Majesty is pleased to take Notice of my little Diligences on this Side ; and shall be careful not to slacken them, as long as the present malevolent Planet is reigning over us.

I told

I told you in my last, how the *French* Ambassadors had on *Thursday* last, taken Time to review and compare their Orders, about the evacuating of the Places in *Flanders*, and had promised to give the *Dutch* Ambassadors next Day (which was yesterday) their Thoughts upon that; and other Points depending between them; but the *Dutch* heard not from them all Day yesterday, and this Day at Noon they sent to let them know, they hoped to hear from them before this Day's Ordinary should go off, to the End they may write to their Masters. This the *Dutch* Ambassadors told me themselves now at Noon; they say, they have no Letters, nor do they expect the Resolution of the States upon the Evacuation in *Flanders*, and the Neutrality of *Cleves*, till to Morrow. M. *Beverning* said, if either of these Points should be refused them, he doth not see how they can sign the Peace; yet their last Orders, he says; are to sign it; and if they should not do it, they would not dare to shew their Heads in *Holland*.

THIS seems to me to be some Ground for the Opinion that the *Imperialists* have, which is, that tho' the Places should not be evacuated in *Flanders*, and tho' the Neutrality should be refused in *Cleves*, yet the States will not forbear making their own Peace. I have this from M. *Cannon*, who tells me also of the extream Dread the *Spanish* Ambassadors are in, least the whole Country, if it see itself not presently rid of the *French* Troops, should voluntarily give itself up to that King.

ONE Thing more M. *Cannon* told me, which I can no longer doubt of; which is, that the Nuncio passes no Offices (no more than I do) between the *French* and the *Spanish* Ambassadors, in their present Intercourse; and the Reason that he forbears is, because the Conditions are intolerably hard, and the Manner of prescribing them differing from all Practice hitherto known between Sovereign Princes.

ANOTHER (who hath good Access at the Nuncio's) tells me, 'tis because he esteems it a Wrong to his Dignity, that the Mediation is put by both those principal Parties into the Hands of the *Dutch*; and that this State is to have the Honour of reconciling those two Crowns: Besides that, he cannot move for the alienating of *Dinant* from the Church, having, on the contrary, exhorted the *Spaniards* all he hath been able, not to give in to that Alternative; hence Men collect, they will be brought to part with *Charlemont*.

THE latest News from the Empire is, that the *Imperial* Army is in very good plight; and that the States that are concerned in the Neighbourhood of *Philipsburgh*, will do and endure any Thing rather than have that Place return to the *French*, to be garrison'd by them; but 'tis thought here a Temperament would be easily found out, which is, that both *Friburg* and it should be demolished: Only the Method that the *French* have taken, to prescribe their Conditions, as if they were Laws, is that which an Emperor knows not how to digest.

NOW that it is 4 a Clock, the *Dutch* Ambassadors sent me their Secretary with this Account, that they had sent him just before to the Marechal d'*Esstrades* upon a particular Business, but with Order to give him Occasion, if it could be done, to speak upon the Subject of voiding all Places in the *Spanish* Netherlands. The Marechal's Answer was, that there was no Appearance any such Thing could be done; for that they, the *French*, must have Places of Retreat, since they are to make a War upon the Elector of *Brandenburgh*; he named *Maestricht* and *Charleroy*; adding, that they must continue the War for *Sweden*, tho' not for themselves; and they must take *Wesel* if they can, and so other Places in *Cleves*, and the Marquifate of *Brandenburgh*, to the Equivalent of what is

taken from *Sweden*, and that the rather, in that *Stralsund* will be attacked, and the Isle of *Rugen* recovered (in all Probability) very suddenly: The Marechal laid much of the Blame of this Embarrass upon M. *Oxenstiern*, who will admit of no Temperament or Delay in the Case; but the Marechal's Opinion was, none of the *Spanish* Places would be evacuated till *Sweden* had its full and entire Satisfaction. This the Secretary of the *Dutch* Embassy had Orders, as he told me, to say from his Masters, and withal to give Orders to the Post, which is this Day at their Disposol, to stay till my Dispatch were finished. I do not think this, since it is a Discourse of the Marechals alone, and not an Answer from the *French* Embassy, worth the while to send by an Express. I am, &c.

L. Jenkins.

## To Mr. Secretary Coventry.

*Nimeguen, 17th June, 1678.*

*Right Honourable SIR;*

AS soon as I received the Favour of yours of the 7th Current, I went to M. *le President Cannon*, and represented to him the Purport of it; with that double Caution, that the Writing he and I was to agree, was not to go for a Memorial, but for an Instruction to his Majesty's Ambassador; next, that we were to avoid the putting in of any Thing into it that might offend, but only such Things as might be proper to move, in the Way his Majesty now took to employ his Offices; he took upon him to draw up the Paper, and drew it as it goes herewith enclosed: I found he was loath to depart from any Thing he had conceived, and set down; particularly the last Article, whereby it is insinuated, that the Duke his Master will, rather than submit to either of the Alternatives as now offered, *remain an Exile out of his Country*; this, he said, would preserve to him his Right and Title; and continue his Allies (tho' they should make a Peace for themselves) under the same Obligations they have entered into by the Treaty now in Force, to see the Duke of *Lorain* restored.

My Opinion was, that tho' the Duke was at Liberty to choose this Extremity, yet that it could do him no Manner of good, to have it told, or so much as insinuated to the Most Christian King: His Answer was, he had declared as much, not only to the Allies in their Assembly, but to the *French* Ambassadors here; only he gave me Liberty to hint to Mr. *Montague* what I should think most suitable to his Majesty's Pleasure, when I should send him this Paper, the Paper being of length; I let him know, it would be for his Service, that an Extract should be made of it, to the End Mr. *Montague*, when he should go to take an Audience upon it, might find the Heads he was to speak upon in a narrower Compass; this he liked of as I drew it; and 'tis to be sent to *Paris* along with his Writing, that Mr. *Montague* may please to use the one or the other, as he shall see Cause: I have endeavoured that there should be nothing in it that can be ill taken. These Papers I intend to send to Morrow for *Paris*, together with an Abstract out of the Letter you have been pleased to write me upon this Occasion, that Mr. *Montague* may the better see how you have been pleased to limit us here, and govern himself accordingly.

M.

M. Cannon returns you his Complements with all Thanks, and thinks himself very happy to have a Place still in your Memory. I remain always, &c.

L. Jenkins.

To Mr. Secretary Williamson.

Nimeguen, 18<sup>th</sup> June, 1678.

Right Honourable SIR,

MY last was of yesterday by the Ordinary, whereof there goes a Duplicate herewith inclosed: I acknowledged the Favour of yours of the 11<sup>th</sup>, and cannot yet expect any of a fresher Date.

THE *French* Ambassadors having been at eight this Morning with the *Dutch*, and these last, after that Visit, at the *Spaniards*, the *Dutch* Ambassadors, as soon as they returned from the *Spaniards*, sent their Secretary to me, to tell me, the *French* Ambassadors had, in a Visit this Morning, declared to them, they meant to reserve to themselves the Faculty of making use of the Places they had conquer'd, in the War they are to carry on against the Elector of *Brandenburgh*, and not to evacuate them till *Sweden* is fully satisfied; he was ordered to tell me, of what they had delivered to the *Dutch* Ambassadors on *Saturday* last, whereof you have an Account by the Express of that Day. I ask'd him, whether they gave any Hopes of the Neutrality the *Dutch* had propos'd for the Country of *Cleves* and *Ravenstein*; he told me, he had heard of none at all. I asked him, whether the *Dutch* Ambassadors would sign the Peace before the 1<sup>st</sup> of *July*, N. S? His Answer was, that his Masters had not instructed him upon that Point, but that in his Judgment, this was an Incident of so high a Nature, that they would not pass on to sign the Peace, till they had the States their Masters Reflexions upon it, and new Orders. I ask'd him, what Truth there was in that, which is blown abroad this Day, that the Courier the *Imperialists* had received on *Sunday* last had brought Word, the Emperor would give into the Peace, since *Spain* did? He told me, there was little likelihood of that; the Manner being considered, that the *Imperialists* explained themselves yesterday at the Assembly, which was by Way of withdrawing themselves from all Overtures tending that Way.

ALL this that hath been told me by the Secretary, is just now confirmed to me by the *Dutch* Ambassadors; for I could not, but upon this Occasion, beg one Moment to speak with them in Person; they told me, the *French* Ambassadors had raised new Difficulties in the Treaty of Commerce, and that they will not pass the Prince of *Orange's* Article, as it was propos'd; they will keep *Maestricht* till *Sweden* be satisfied, and the other *Spanish* Places; but which was most horrible of all, (I use M. *Beverning's* own Words) the King their Master will not suffer the *Swedes* to give some Kind of Consent (as they are willing of their own accord to do) to the Elector of *Brandenburgh*; the *Swedes* having entered into this War in the Quarrel of *France*, it is not for the Glory of that King, to suffer any such Composition, but will hinder it all he can. The *Dutch* Ambassadors having declared they could not sign the Peace without a Line in the Treaty, whereby *Maestricht* should be surrendred to them at the Time of the Ratification; the *French* said, they would then write, that the Hostilities might go on; this gave M. *Beverning* Occasion to write to Count *Waldeck*, to be upon his Guard; and they told me



me plainly, they would not, nor could not sign the Peace between this and the 1<sup>st</sup> of *July*. I remain always, &c.

*L. Jenkint.*

*Nimeguen, 20th June, 1678.*

*Right Honourable SIR,*

**M**Y last was of *Tuesday* the 18<sup>th</sup>, a Duplicate whereof I take leave to enclose; we have no Letters since out of *England*.

*M. de los Balbases* giving me the Favour of a Visit last Night, quickly entered upon the great Incident, about evacuating the Places that the *French* are to give up; he told me, that it was he that put the *Dutch* Ambassadors upon demanding of the *French* a Declaration in Writing, that they would withdraw their Troops out of the Country upon the signing of the Peace; and evacuate all the Places (they were to restore) when the Ratification should be brought from *Spain*; these two main Points having been (as it happened) omitted by the Duke *de Villa Hermosa* in the Declaration he gave the 3<sup>d</sup> of *June*, *N. S.* of his accepting the Peace.

THAT this was a Peace he, the Marquiss, would not be seen to be the leading Man in, there being nothing more contrary to his Orders, than to give into it, as the *French* prescribe it; but that the Duke *de Villa Hermosa* having accepted the Peace, and resigned himself to the *Dutch*, he was not to oppose it; but did always propose to himself to have beforehand a Declaration from the *French* Ambassadors in Writing, that they would make good the two Points abovementioned; as also a third, which was in the Duke *de Villa Hermosa's* Paper; it was, to restore all Places taken, and to be taken, in what Part of the World soever; those that were to remain to *France* excepted.

THAT he having this Declaration from the *French*, he would have given them another in Exchange, whereby he would declare, that he did accept of the *French* Conditions, and would sign the Treaty, into which they are to be digested; but that this must be a Work of Time, the extending of those Conditions into Articles having in it, he said, several Difficulties.

THAT he had left the *Dutch* Ambassadors resolved to go in a Body some Time this Day to the *French* Ambassadors, and to declare to them, they were ready, in Pursuance of the Letter the States had writ the 11<sup>th</sup> of *Current* to the Most Christian King, to sign the Peace; and if the *French* should refuse it, to make their Protest, which (he thought) they would give in Writing, fixing the Cause of all upon their Refusal to withdraw their Garrisons, &c.

THAT the *French*, on the other Side, do menace, that the Hostilities shall begin afresh the 1<sup>st</sup> of *July*, *N. S.* and that *Messieurs les François* had told him, that nothing is now demanded, but what is concertèd with the King our Master should be demanded, even the not voiding of these Places.

THE Marquiss replied, as he says, that 'tis a Wonder then his Majesty's Minister here, (meaning me) says nothing to them, the *Spaniards*, or the *Dutch*, of any such Thing, nor does pass any Offices one Way or other upon this new Foot; nor yet that they can hear any such Thing from the *Spanish* Minister in *England*; to this he was answered, there might be Considerations (especially those relating to the Parliament) that might make his Majesty shy to appear, or declare himself openly in this Business; but that it was certain, the Most Christian

lian King had his Majesty's Approbation in all he did. As to this last Point, I must not forget to tell you, that *M. d'Odyke* did say yesterday, that *Maréchal d'Estrades* would needs persuade him, that what the *French* were now doing, was by Concert with *England*.

*M. de los Balbases* yet seemed to be willing to believe, there was something unfair in this Surmise; his Argument was, from what he says pass'd in *England* lately between *M. Sindenaw* and *M. Barillon*; the first having had a favourable Declaration from his Majesty, that he had made no such Promise relating to the Satisfaction of *Sweden*, as is suggested in the first Article of the *French* Conditions; and having acquainted the King of *Denmark* with it, and given his Majesty that King's Thanks for it, yet *M. Barillon* offered to lay Wagers his Majesty had made no such Declaration; which, the Marquis says, is taken Notice of as a very extraordinary Thing in *M. Barillon*.

UPON this whole Matter in Difference, he told me, he believ'd the States would come to some vigorous Resolutions; and their Troops would be able not only to defend all the Places in the *Low Countries* from Attack, but to drive them out of the Country.

FROM this he pass'd on to desire my Offices with the *Swede*, not to insist upon his *Swedish* Language, but to give in his Powers in *Latin*, as the *Swedes* have done in several Treaties with *France*, the *French* giving theirs in their own Language. He desired me likewise to speak to the *French* Ambassadors, that *M. de Fuente* may be forthwith admitted to treat and negotiate with them, he, the Marquis *de los Balbases*, and *M. Cbristine*, first obliging themselves, by their Act in Writing, that within six Weeks there shall be Powers in good Form brought hither from *Madrid*, and exhibited for *M. de Fuente*.

THE last Thing he spoke on was, that we might enter into some Temperament about the Visit of Ceremony; that *M. de Fuente* should write such another Letter as *M. de Gurck* had writ upon the like Occasion; but that *M. de Renquillo* having once writ for the whole Embassy, it was not proper to repeat it again for one single Ambassador.

UPON the two former Points, being purely preliminary, I promised to do my Offices; upon this last, I told him, I had made my Report to his Majesty, and that he had been graciously pleased not to disapprove of what I had done; and therefore that I was not at Liberty now to make any Alteration.

As soon as the Marquis was gone, came to me the Secretary of the *Dutch* Ambassadors, to acquaint me, as he said, from his Masters, that they had had an Answer and Orders from the States upon their Dispatches hence on *Saturday*, (which was the Day on which the *French* first discovered their unexpected Pretensions) and that the Orders of the States are, that they, the Ambassadors, are to insist upon the evacuating of *Maeſtricht*, and the *Spanish* Places, and are not to depart from that Demand.

I was this Day at Noon at *M. de los Balbases*, he having promised me an Account of what was to pass this Day between the *Dutch* and the *French* upon the Protest; he had not then heard from the *Dutch*; all that he could tell me was, that the States were resolved, and would never depart from their Demand, to have their Places evacuated.

It is now almost four, and the *Dutch* Ambassadors send Word, they dispatch an Express out of Hand, and will detain the Ordinary till eight this Evening. A Gentleman tells me, that between this and that Time they will perform what they have to do with the *French*.

## 392 *Letters from the Embassy at Nimeguen.*

I take Leave to inclose a Paper that is come to our Hands here, as writ by M. d'Estrades to M. Pomponc. I am, &c.

L. Jenkins.

Nimeguen, 20th June, 1678.

Right Honourable SIR,

JUST now M. Beverning calls upon me, as he had taken Leave of the *French* Ambassadors, where he and his Collegues had been for an Hour and half at a Conference; the short of it is this: The last Orders of the States are, that they should insist finally to have *Maestricht* and the *Spanish* Places voided, upon Exchange of the Ratification; and this they thought safest to insinuate by civil Letter, as they did to the *French* Ambassadors, sending inclosed with their Letter, the two Treaties, that of Peace, and that of Commerce, compleat in all their Points, offering themselves to come over to the *French* Ambassadors, and to sign both Treaties this Day.

THE *French* would not so much as look upon their Letter, but sent it back without breaking open the Seal; then the *Dutch* demanded an Hour of them, which being had, they discoursed the Points in Difference at large; they offered to leave the Point of Commerce, and the Concern of the Prince of *Orange*, to a separate Article, as they should agree it, but the Evacuation of the Places they stood upon as indispensably necessary; the *French* Ambassadors Answer upon that Point was, that they had written to Court, and must expect the Answer of the King their Master upon it.

M. Colbert was not so hot this Day as usual: M. Beverning's Expression was, when I ask'd him what this would end in, *Il me semble qu'ils commencent à branler un peu*; but that his Masters were, as he found by their Letters, very resolute; tho' the last Letters they had were an Answer to their Advices of the 15th, that is, upon the first Discovery they had made to them of the Intention of the *French* to detain those Places; they have not yet, he said, their Resolution upon the Answers of the *French* made the 18th, which was decisive: Having given me a Sight of the Letter he had writ to the *French* Ambassadors, he went away in Hast; telling me, he hoped that Letter would serve them more for his Discharge and his Collegues, in that the Offer of signing the Treaties that was made by it, did affect the *French* with a plain Refusal. This is all the Account I have to give of this great and critical Day. I am, &c.

L. Jenkins.

Nimeguen, 24th June, 1678.

Right Honourable SIR,

ON *Thursday* last (the 20th) I troubled you with two Letters, the first went at four, by an Express that the *Dutch* Ambassadors then dispatched; the other was at eight, they detaining the Ordinary till that Hour. I have since the Favour of one from you of the 14th, together with an exact Collection of Precedents, and several Queries that you have been pleased to lay before his Majesty, in order to my Government here, both as to the Preface which the *Dutch* Ambassadors had put into my Hands, and to other Questions that may be put to me in  
this

this Conjunction: I most humbly thank you for the Light you are

Points: I shall keep as close to it as I can possible, and hope his Majesty will hereafter find, he hath made the far better Choice, in declining to have any Part in these Treaties as they were going on; for, besides that the Conditions are so hard, that some of the Parties (*Spain* and *Lorain* especially) would have expected to have them in some Degree mollified by his Majesty's powerful Offices; the very Reasons and Instances that his Majesty, as Mediator, would have right to use and press, are now (by declaring the Conditions to be such, as not to admit a Debate upon) shut out of Doors; a Way not hitherto practised, (that ever I have heard of) where a great King hath been so solemnly and so universally received for the common Mediator, as his Majesty hath been.

BEING on *Saturday* upon an ordinary Visit with M. *de Gurck*, he told me, he expected that a vigorous Resolution would be the Result of the Debates that were to be had at the *Hague* that Day, which was to be a great Day among them; and that the States, unless they were discouraged by our proceeding so fast as we do in *England* to disband the Army, would let the World see, they repented of the Hast they had made, and that they would take other Measures to get a Peace, such as shall be sure and lasting. That the Army upon the *Mense* is 20,000 effective Men; and that M. *de Schomberg* is forced to give Ground. That the Declaration the *Brandenburgh* Minister hath made at the *Hague*, is no more, but that he is content and desirous that the *Dutch* should comprise him in the Peace they are making with *France*, but that there was not a Word of *Sweden* in it; but others report, that he hath formally accepted of the Cessation in relation to *Sweden*, as well as to *France*. That as the Prince of *Orange* has shewed himself a Prince of extraordinary Wisdom in all the Parts of this Affair, so he hath even excelled himself in several Discourses last Week to the States, so full of Force and Reason were they upon this Incident; and M. *de Gurck* is persuaded, he says, he hath many Converts among them.

M. *Petersen* being with me last Night, told me, that the *Danish* Minister at the *Hague* (M. *Meyercroon*), having Orders to complain (as he hath done lately) against M. *Van Benninghen*, for some disrespectful Language that he hath used (at our Court) of the King of *Denmark* and his Affairs: and having upon that Occasion some Discourse with the Deputies of the States, with particular Reflexions upon the present Affairs of *England*, and upon the Help the Allies might have thence for their common Cause; was answered, that there were no Hopes of any Good for them out of *England*, for that *England* and *France* had very lately made a Treaty between them.

M. *Petersen* confirmed to me what is generally said here, that the *Dutch* Ambassadors had, on *Thursday* the 7<sup>th</sup> Current, desired the *French* to write to M. *de Luxembourg*, that Hostilities might not begin till the Resolution of the Most Christian King should be known upon this Incident; and they had promised to write, but would not undertake their Desire should be complied with. He told me further, that M. *de Haren* had assured him, that he and his Colleagues had had three Discourses one after another from the States, letting them know, they adhered to their Resolution, that the voiding the Places upon the Exchange of the Ratifications should be expressly stipulated in the Treaty. M. *de Oyle* did tell Mr. *Chudleigh* late last Night, that he and his Colleagues had had Advice but a few Hours before, that the States continued

firm to their Resolutions; and that they were sending Notice of it to his Majesty.

M. *d'Odyke* asked Mr. *Chudleigh*, whether he knew of any Orders I had, to pass Offices here in such Things as do immediately concern his Highness the Prince of *Orange*; this obliged me to desire him to acquaint M. *d'Odyke*, that as I have no Orders of late sent me, relating to the Concerns of any of the Parties, therefore have forborn to appear, tho' fought by all of them; so I had no Orders relating to his Highness in his own Particular, but that I would be sure to write by this Post, and most humbly offer it to his Majesty's Consideration.

MOST of them that favour the Allies, do persuade themselves, this Incident about evacuating the Places, will come to an absolute Breach; those that favour the *French* say, it will be made up with a Temperament, which is, that his Majesty, the Most Christian King, and this State, do agree a Plan for the *North*, and then engage to see it executed: Besides that, they say the *French* Ambassadors are abundantly justified, in that they have offered to sign the Treaty as it was first dress'd, in indefinite Terms; and that the Novelty, and consequently the Difficulty comes from the *Dutch*, who would have a Time set by a new Clause, for voiding the Places of the *French* Garrisons.

WHAT M. *Colbert* said to M. *Beccerning*, that this King would never endure that *Sweden* should yield any Place, or come to any Composition with the Elector of *Brandenburgh*, or his Co-Allies in the *North*, he told M. *Hough* the other Day; which gave him Occasion to answer (as M. *Petrum* reports it) in these Words, *Ceux qui nous veulent manger seront obliges de Commencer par les Cornes.*

JUST at Noon came to me M. *Blaspiel*, and having told me of a Meeting that the *Imperialists*, the *Spaniards*, he, and M. *Termulen*, (the *Munster* Minister that is now in Town) had had yesterday together; and of some Articles of Direction they had agreed on for the Government of M. *le General de Spaen*, (who was then with them, and goes this Day out of Town, in order to put those Articles in Execution) he produc'd two Papers, and gave me Leave to take Extracts of them for better Certainty. The Extracts I took go herewith inclosed, in the one you'll find, the Army between the *Rhine* and the *Meuse* to be 15,000 Men, in the other, how they are to be employed.

HE added, they were now in Treaty for a Body of 14,000 Men more, to join these that are already together; and hoped to let me see in a few Days, a Project how those Men were to be brought together, and from whence, (for raised they are already) as also how they are to act, but was loath to give me a Copy of those Papers.

HE said, he brought me this Account of the Affairs of the Allies at this Time, for that the States had on *Saturday* last resolved (among other Things) to send to his Majesty, to intreat his Offices with the Most Christian King, that the Places in Question might be evacuated, and the Treaty of Commerce, as it is now minuted, agreed to; otherwise that they must continue the War; and in case the Most Christian King should refuse it, then his Majesty was to be prayed to join his Arms with those of this State, and the other Allies, to procure them a reasonable Peace.

HE enlarged further upon the little Probability there was, that *France* would abate any Thing of its Demands; M. *Colbert* having, he said, discovered to M. *Beccerning* some new Difficulties about the Commerce, that are yet to arise from the *French* Side; which he (M. *Beccerning*) judges to be such as the States will never yield to.

FOR the Elector his Master, he said, it was a perfect Mistake; telling me, I might confidently represent it as such, whereby it was blown about in this Country, that the Elector gave into the Cessation of six Weeks, as to what relates to the *Swedes*; when he heard indeed that this State had concluded its Peace with *France*, he gave Orders that he might be comprised therein as to *France*, but not a Word as to *Sweden*: Upon the first News, he said, that this State was wavering, the Elector offered to come in his own Person with 18,000 Men to their Aid; upon the next News, that the Peace was actually concluded, his Orders to his Troops on this Side, were to march towards *Pomerania*, resolving to make what Impressions he could upon the *Swedes*; upon the last News of all, which was, that the *French* were like to fall into *Cleves*, his Orders to General *Spaen* were, that he should draw all the Troops, and get all the Provisions he could into *Wesel*, in Order to defend it and the Country.

ANOTHER Thing he said was, that the Electoral College at *Ratisbone* had resolved never to accept of the Peace as 'tis proposed (or rather prescribed) by *France*, and that the Elector of *Bavaria* had expressly so given his Vote. He concluded with telling me, that from the Discourses of the *French*, (as they are understood by M. *Beccerning*) and the Resolutions of the States on *Saturday*, there is more likelihood of a Breach than otherwise; for that tho' the *Dutch* will not break with the *French* upon the Neutrality they have demanded for *Cleves*, yet they will break with them upon the Point of Evacuation, or else of Commerce, and the Town of *Amsterdam* will come into it. I am, &c.

L. Jenkins.

*Nimeguen, 27th June, 1678.*

Right Honourable SIR,

SINCE my last, which was of the 24th by the Ordinary, I have the Favour of one from you of the 18th, for which I most humbly thank you.

M. *Beccerning* giving me the Favour of a Visit on *Tuesday*, (as he was returning Home from M. *Colbert's*) told me, the *French* Ambassadors had received a Courier that Morning, but it brought them an Answer only to their Letters of the 14th of *June*, together with about 800 Passports for Ships that should desire to go out of those Ports before the Time prefix'd for a free and safe Passage, those Letters had nothing in them of the great Incident about evacuating the Places; *Mais ils se radoucissent, ce me semble, un peu sur ce point*; those were his Words.

THERE is a Difference between the *Dutch* and the *French*, about Liberty of trafficking from one Enemies Port to another; the *Dutch* insist to have it granted to them in the same Latitude and Words, as it is granted to the *English* in our last Marine Treaty with *France*; this the *French* Ambassadors will not hear of; yet as far as I am able to guess, there is nothing in Difference between them about the Commerce, that the *Dutch* will finally break upon; the Point of voiding the Places is the only Point they will stand upon; all the Provinces, and every Town in them, being unanimous for it.

ONE Thing he observed to be hard, and against the common Usage in the Proceedings of the *French* Ambassadors with them the *Dutch*; when Exceptions, says he, are taken to a certain Number of Articles,

## 396 *Letters from the Embassy at Nimeguen.*

or to any Words in the Articles, those that no Exceptions are taken against, are supposed to be clear, and without Exception; but 'tis not so in this Negotiation, the *French* Ambassadors do, at every Conference, offer some new Matter upon Articles that were thought to be clear and approved of; but these are Pills, said he, that must be swallowed.

M. *Becerning* was pleased in this Conversation to communicate to me the Most Christian King's Answer to the States, as also M. *de Luxembourg*'s Letter to the States Envoy at *Bruxells*, about withdrawing the *French* Army; those Letters going upon a Supposition that the Peace was signed. I take leave to enclose Copies of both, as also of an Extract said to be of a Letter the *French* Ambassadors writ to M. *Barillon*, upon the great Incident about the garrison'd Places; this Extract is dispersed by some of the *French* Domesticks, with Design to lay the Fault and Delay at the Door of the *Dutch*.

WE have watched till now, that it is past Noon, to hear what the Letters from *France* will say upon this Incident; but it seems, there is not a Word of it in those come to Hand this Day (they being of the <sup>22 June</sup><sub>1 July</sub>) but 'tis to be observed, that the same Thing was said of the Letters that came to the *French* Ambassadors by an Express on *Tuesday* Night last; and there being seven Days from the 15<sup>th</sup> to the 22<sup>d</sup>, the Letters hence do not use to be so long in the Way.

EVERY Body is impatient to know what *France* will resolve finally; but the *French* Domesticks say, the Thing will come to a Temperament, and that the *Dutch* are labouring in it.

THE *French* give out, that *Rhinesfelden* is besieged by a Detachment come from the *Low-Countries*, and some Troops joyned to them from M. *de Crequi*'s Army, and they suppose it to be taken by this Time; the *Danes* on the other Side do hope, that M. *Guldenliezw* has by this Time given a good Account of *Babüs* to his King.

M. *Stradisman* did, on *Mondays* Conference of the Allies, deliver it for certain, that the Deputies of *Bavaria* and *Hanover* have declared against accepting of a Peace in the Manner it is prescribed. I am,  
*&c.*

L. Jenkins.

*Nimeguen, 30<sup>th</sup> June, 1678.*

*Right Honourable SIR,*

THO' I had notice several Ways, that the *French* Ambassadors had had (with the Ordinary that came in at 8 this Morning) an Answer to their Dispatches of the 15<sup>th</sup> and 18<sup>th</sup> of this Month, *O. S.* upon the Incident between them and the *Dutch*, about evacuating *Mae-stricht* and other Places that are to be restored, and that the Most Christian King did persist in his first Demands; yet I had nothing certain to write, till now that I have spoken with M. *de Haren*, who took the Pains to come to my House, and to impart to me what had pass'd between him, his Collegues, and the *French*, as soon as their Conference was over.

THE *French*, as he told me, took an Hour of the *Dutch* Ambassadors, and were at their House this Afternoon at five; they told them, without much Preface, that it was not the Intention of the King their Master, to deliver up *Maestricht*, or any other of the Places that were to serve for a Barrier, before *Sweden* do receive its entire Satisfaction;  
in

in this the *French* Ambassadors persisted, notwithstanding all that the *Dutch* did by Way of Discourse argue in the Point against them.

THE *Dutch* Ambassadors at last told them, that the Orders they had from the States their Masters, were directly opposite to this Pretension; and that they would do no more but advise them (as they would do by dispatching an Express forthwith) of so unexpected a Declaration.

THUS they were going to part; the *French* Ambassadors taking Occasion to tell them, they would not answer for the Disorders that might happen upon this Occasion.

As they were rising, they let fall (as it were) a Word touching the Town of *Mons*; it was, that the King their Master would render that Town, in Case it should fall into his Hands, after that the Treaties between him and the States General should be signed and ratified; hereupon the *Dutch* Ambassadors say, it may be inferr'd, that he will not render the Town, in Case it do fall into his Hands with other Circumstances; that is, as I apprehend it, before those Treaties be made up. That M. *de Haren*, who excused M. *Beverning's* not coming along with him, because he staid at Home to draw up their Dispatch to the States, but afterwards, they both sent me the Secretary of their Embassy, to read over to me the Draught of their Dispatch.

THIS being a decisive Answer on the Part of the *French*, I thought it my Duty to speed it towards you by this Bearer Express; that as far as Wind and Weather will permit, no Time may be lost to inform his Majesty, what the Crisis proves to be in this Place; beseeching God to bless his Councils upon it. I remain always, &c.

*L. Jenkins.*

*Nimeguen, 1st July, 1678.*

Right Honourable SIR,

ON *Thursday* the 27<sup>th</sup> past, I troubled you by the Ordinary of the Day; and last Night I gave you another Trouble by an Express; the Duplicate of my Letter by him (being an Account of the Answer the *French* Ambassadors gave last Night to the *Dutch*) goes here enclosed.

ON *Saturday*, M. *Oxenstiern* was with me, to give me an Account, (as he was pleased to say) how his Affairs stand with the *Dutch* Ambassadors as to the Peace. He had yielded, he said, to the Importunities of the *French* Ambassadors, who had desired him to enter immediately into Treaty with the *Dutch* about the Commerce; he had therefore drawn a Counter Project to theirs, and both Projects are at this Time treated on at the *Hague*, between M. *Silvercroon* on his Side, and certain Commissioners that the States have assign'd him.

HE complained extremely of the Injury and Indignity (as he call'd it) that the *Danes* do to the King his Master, in stopping all Letters and Couriers; he prayed me to renew my Instances with M. *Heugh*, telling me, that there will come out ere long a just Complaint of his King by Way of *Manifesto*, and that he, M. *Oxenstiern*, would be forced ere long to deliver an Act into my Hands, whereby it shall be declared, that he will have no Treaty with the *Dane*.

IN such angry Things as these are, he would be content to make use of my Function; but in the Matter of Treaty between him and the *Dutch*, he has hitherto made use of the *French* for his Mediators; thus, as he takes it, saving the Appearances, by giving me an Account, as he hath done solemnly once before, of what passes between them, but not



## 398 *Letters from the Embassy at Nimeguen.*

so much as asking me, whether I have any Orders from his Majesty to pass any Offices between him and the *Dutch*; and yet it is not long since, that he, and his Collegue before him, made large Professions of their Reliances upon his Majesty's Mediation, and their Resolution to depend upon it, tho' we should break with *France*.

ON *Friday* I received the Letter inclosed from the Magistrates of *Cologn* by their Syndic, and the Copy that goes enclosed in it of Marechal *de Schomberg's* Letter to them, demanding the 50,000 Rix-dollars, that they had suffered the *Imperialists* to seize and dispossess the *French* of in *March* 1674. You remember it, SIR, yourself very well; this Syndic's Request to me was, that I would desire the *French* Ambassadors here to write to M. *de Schomberg*, to forbear the Military Executions he threatens them with.

I did not refuse his Motion, but put it to the *French* by Way of Charity, rather than Office; for I knew they would refuse me, as they did; all their Dependance is upon his Majesty's Intercession with the Most Christian King; hoping that his Majesty will be pleased, upon this Occasion, to shew the particular Grace and Protection that he hath of a long Time had for that City. I am, &c.

*L. Jenkins.*

*Nimeguen, 4th July, 1678.*

*Right Honourable SIR;*

MY last was of the 1<sup>st</sup> Current; since which, I have the Favour of one from you of the 25<sup>th</sup>, and another (just come to Hand) of the 28<sup>th</sup>; for both which I most humbly thank you.

I perceive by them, that his Majesty finds himself obliged to enter into other Thoughts, and to prepare for different Measures upon this new Pretension of the *French*; and 'tis all the Discourse of the Allies here, that his Majesty will take their Part; yet those that wish the Breach most, are jealous that *England* will do no more but bring about some Temperament or other upon the present Incident. I beseech God to bless and direct his Majesty in all his Councils, and that he may meet with such a Satisfaction in the Sincerity and Vigour of the Allies, as may bear some Proportion to that Generosity wherewith he is pleased to interest himself for them and their Cause.

M. *de los Balbases* giving me the Favour of a Visit on *Tuesday*, entered into a large Discourse of the Unreasonableness of the *French*, in pretending to detain their Towns, since they, the *Spaniards*, had nothing in their Hands that belong'd to *Sweden*; and that *France* doth get from them Things of infinitely greater Value than those they are to leave them; nor was there any Colour to detain the *Spanish* Places, as some were detained by the *Swedes* after the Treaty of *Munster*; for that the Cases are exceedingly different; the Case at *Munster* was, that the *Swedes* being to receive great Sums of Money before they quitted the Places they held, there was a collateral Agreement, that when so much was paid by such and such, then such and such Places should be quitted; but in the present Case, neither the *French* nor the *Swede* have any Pretension of Money or otherwise against *Spain*, and that they pay exceeding dear for what is to return to them; so the Restitution ought not to be clogg'd as it is pretended to be.

ANOTHER Argument, he said, the *French* had, was to urge the Project which the King our Master had entred into with *Holland*, for by it,

it, the *French* were to detain the Places they had in *Sicily*; that he had answer'd to this, that *Spain* was in no wise a Party to that Project; and consequently ought not to bind them further than they have a Mind to it; that if the *French* would make Use of any Part of that Project to their Advantage, it was fit they should first declare their Acceptance of the whole; and then they, the *French*, making the Restitution as it was projected by his Majesty, they, the *Spaniards*, will leave it to his Majesty, to determine what is fit to remain in the Hands of the *French*.

ANOTHER Thing he desired might be taken Notice of, which was, that there was little Likelihood the *French* intended to keep this Peace any long Time, for they will not allow the *Spaniards* to fortifie St. *Ghillaine*, which covers *Mons*; and they will have *Charlemont* from them, which covers *Namur*; thus in denying them the Liberty of fortifying lesser Places, which cover their great ones, they say as much as if they meant to surprize them in a Night; the like Observation he had of the Verge of *Mening*, the *French* will needs have all of it, and thereby come upon their own Grounds within a Pistol Shot of the Pallisades of *Courtray*: His Conclusion was, that it was his most humble Suit to his Majesty, to make those Reflexions he in his Royal Wisdom shall think fit, not only upon that hard Measure wherewith so many Provinces and Places are torn off from the Crown of *Spain*, but also the Design that *France* makes already appear so visibly, to invade again, upon the first Occasion, the little that is to be left it by this War.

I was with M. *Heugh* on *Tuesday*, to pass my Offices with him for the *Swedish* Letters and Couriers; I found him very difficult, alledging, that the King his Master had forbid him to enter into any further Treaty about that Matter, in Regard the *Swedes* had refused them, the *Danes*, the Benefit of their common Cartel, when they sent a Commissary with Money in Hand, to ransom the Prisoners that were taken in the Isle of *Rugen*; all he could promise to do was, he said, to write again to his Court upon this new Instance of mine.

THIS Morning M. *Heugh* was with me, to tell me, that since there were Deputies come to Town from the City of *Hamburg*, he did, according to the Orders he had had, come to me, in order to oppose their Admission into this Assembly, and desired me not to receive them as such; it being notoriously known what just Pretension the King his Master hath upon that City, and how their Admission was opposed at the Treaty of *Breda*, and that the *Danish* Ministers were there heard, and the Admission to the *Hamburgers* refused; that if they had any Thing to do in this Assembly, it became them to address themselves to him, as the King of *Denmark's* Minister, and he should not be wanting to do what should be his Part.

I acquainted him with some Steps that my Collegues and I had made a good while since, at the Request of that City, *viz.* that upon several Letters from the Magistrates, under their Publick Seal, we had pass'd Offices with the *French* and *Swedish* Ambassadors, for Passports for their Deputies to come hither; that we had given an Account of this to the King our Master, and that he was pleas'd not to disapprove of what we had done; therefore all I could do would be to represent, with all Humility, this Instance of his, to his Majesty, and to receive his Orders thereupon; that if in the mean time those Deputies should come to me, I must receive them, as I do others that come with Character to this Assembly.

HE told me, he thought they would first apply themselves to the *Imperialists*, before they did it to me, as M. *Schutz*, a new Minister come from *Lunenburgh-Zell* hither, hath done this last Week; for he hath seen not only the *Imperialists*, but all the Ministers in Town. M. *Hengb's* Grievance, that made him tell me this of *Schutz* was, that he wanted the *French*, that are his adverse Parties, before him: I shall probably beg a Word of Directions (if you think fit) touching these *Lunenburghers*; in the mean time, in Regard of the Possession they are in as a *Host's* Town, and of their having Ministers with his Majesty, and other Treatments in the Quality of Sovereigns, I shall only tell them what M. *Hengb* hath told me, but shall make no Difficulty to pass my Offices for them, as I do for other Parties, in all Matters relating to my Function, till I have Orders to the contrary.

In this Conversation, M. *Hengb* confirms me in what M. *Stradtjman* told me last Night, that the *Dutch* Ambassadors had had Orders to go and ask the *French*, whether the Declaration they had made on *Sunday* last, (that the King their Master would detain those Towns) was the final Answer or not?

M. *Beccrning* having already put this Question to them by himself, and of his own Head, he and his Colleague did not think fit to repeat it again, but advised their Masters, that the *French*, when M. *Beccrning* put the Question to them, did and would persist.

M. *d'Odyke* putting the same Question to them on *Tuesday* Night (by the by) at M. *Hengb's*, receiv'd the same Answer; but whether the States will have this Question put to them again in Form, or not, is not yet known. I am, &c.

*J. Jenkins.*

*Nimeguen, 8th July, 1678.*

Right Honourable SIR,

SINCE my last of the 4th Current by the Ordinary, I have the Honour of one from you of the 2d, and humbly thank you for it, since you are pleased to let me see, that the little Incidents and Discourses that I pick up here, and that I trouble you with, are of some Use to you there; I shall go on as you are pleased to order, and beg your Pardon beforehand for what you shall find to be impertinent.

The Elector of *Brandenburgh* having lately given his Orders to his first Minister M. *Schæcrin*, what he would have him to write to his Ministers here and at the *Hague*, M. *Schæcrin* writ a *Billet* to the Elector, beseeching his Highness to let him have in Writing the Substance of what he, being in Counsel, had ordered him; the Elector thereupon underwrites, that it was his Meaning to enter into a Cessation, and to make a Peace with *France*, and that his Ministers should do their Part in order to it; but that nothing of this was to be extended to *Sweden*, his Meaning being to continue the War against it, or to that Effect. M. *Schæcrin* sent this *Billet* hither, and M. *Blaspiel* hath shewn it M. *Hengb*, under the Elector's own Hand, which is a great Confirmation to the *French*, that the Elector is firm for the War; but this General on this Side, M. *Spæn*, is cried out against by M. *de los Balbases* (especially), and spoke of as a very unfit Man by the rest of the Allies.

On *Tuesday* M. *Oxenstiern*, when I was with him about the Passage of his Letters and Couriers, told me, the Most Christian King was immovable in the Point of detaining the Towns; and that he holds the same

Let-

language to the *Swedish* Minister at *St. Germain's*, as his Ambassadors here do to him *M. Oxenstiern*; that King not comprehending, he says; what Temperament can be offered in this Affair, and finding much Fault with the *Dutch* that they do stand off, and not come to the Temperament that *M. Oxenstiern* hath offered them about the Treaty of Commerce (which is, to finish it within a Time to be limited in the Treaty of Peace); that being an Argument with the Most Christian King, that the *Dutch* are backward, as well as the *Northern* Allies, to make up their Peace with *Sweden*. For the Commissaries and *M. Silvercroon* at the *Hague* met, he said, but did nothing.

ON *Saturday*, I was, at the Instance of the *French* Ambassadors, to pass my Offices with the *Imperialists*, for the Admission of *M. Ducker*, but they adhere to their first Reasons: They express'd in this Conversation, a great Hope and Longing to hear of his Majesty's having declared, and being entered into the War.

IN the Evening I acquainted Messieurs *Colbert* and *d' Avaux* with their Answers about *M. Ducker*; and this was the first Occasion that *M. Colbert* took to enter into Discourse with me about the Incident of the Towns: The King his Master, he said, would be deprived (if he gave up the Towns) of the only effectual Means to press the *Northern* Allies; they were ready to sign the Treaty as it was first drawn up and agreed; it was the *Dutch* Ambassadors, and not they, that did innovate; and so able a Person as *M. Beverning* and his Collegue would not have let the Time of voiding the Towns to stand (as it is in the Project) indefinite, but would have fix'd it; only they saw that was a String not to be touch'd; for they must needs believe, that the Most Christian King would not quit such a Hold till his Allies were satisfied.

LAST Night at 7, the *Dutch* Ambassadors call'd upon me to acquaint me, how the *French* Ambassadors had been with them at their House at a Conference, and had left with them a Paper of some Length; they told me, I should have a Copy of it, as soon as they could get it wrote, they would not therefore enlarge upon the Contents, but refer me to the Writing itself. I should find the first Part, they said, to be a Justification of the King their Master's Proceedings, which they judge to be very weak; the other, to be an Invitation to the States, to enter into Deliberation with the Most Christian King, of the Means to restore *Sweden* to its Losses; in order whereto, it was proposed, that either the *Dutch* Ambassadors should be instructed to treat it here with them, the *French*; or else, that they would send a Minister to the *French* Court; or, if that were not liked of, that they would send Commissaries to *Ghent*; it being indifferent to him what Manner of Negotiation or Expedient should take Place, provided it be certain and expeditious.

THEY mentioned two Expedients; either that the States should oblige themselves, that *Sweden* should be entirely restored; or else, that they should take upon them to deal with their Allies in order to it; but withal give Assurance to the Most Christian King, that it should be with Effect, and to the full Satisfaction of *Sweden*. This is all the Account the *Dutch* Ambassadors gave me out of the *French* Paper; telling me, that as they had been with as many of the Allies as were in Town, so they were come to me, to know what I had to say upon such a Declaration: When I had told them, I had nothing to say upon it, but that I would give an Account of it to Court, humbly referring myself in the mean time to what his Majesty may have made known of his Pleasure, as to all Incidents of this Kind, to his Ambassador now arrived at the *Hague*: *M. Beverning* replied smilingly upon me, that tho' I would say

nothing upon this, yet they expected I should say something upon the new Treaty made between *England* and *France*; the *French* Ambassadors having told them in this Conference at parting, that *France* had nothing to apprehend out of *England*, *en étant assuré par des Traitez*, insinuating, said he, rather than speaking out, that *England* had obliged itself by Treaty, not to stir against *France* upon this Occasion.

It is now full Noon before that the *Dutch* Ambassadors send me the *French* Paper, and it will be with much ado, if Mr. *Chudleigh* can get a Copy by that Time the Post goes; yet we have it from the *French* Domesticks, that it went to the Press last Night, and will be out in Print about that Hour. A Gentleman telling me the News of this Paper last Night, said it was, *le troisieme Confirmatif* of the Resolution of *France*, and that if it did not meet with a good Reception, the *French* Ambassadors would in a few Days give in another by way of *Manifesto*, and go their Ways hence immediately upon it. 'Tis observed by some, that they make no Manner of Provision for their Houses, but live as if they were already upon the Wing. I am, &c.

L. Jenkins.

*Nimeguen*, 11th July, 1678.

Right Honourable SIR,

MY last was of the 8th by the Ordinary, since which I have not any from you to acknowledge.

At the Assembly of the Allies on *Monday*, there pass'd little; only M. *Beccring* gave them an Account of what had pass'd between them and the *French*, when the Memorial was given them by the *French* on *Sunday*; he put three Questions to them, the first was, what should be the Matter proposed to be treated between the *French* and the *Dutch*, either at *Ghent*, or at the *French* Court? To this they answered, it was the Peace of the *North*. The two other Questions were, what the Armies should do in the mean while, and particularly what should become of *Mons*? Upon these two Questions, they said, they were not yet instructed, at least those Points were not to be resolved, till it should be known, whether the *Dutch* will accept of the Proposal, that is, whether they will treat or not? His Conclusion was, that the *French* Memorial was but an Amusement, nor did any of the Company speak further upon that Matter.

On *Tuesday* M. *Oxenstiern* was with me, to desire that his Majesty might be humbly moved to interpose his good Offices in the Behalf of the King of *Sweden* in this present great Conjuncture. He began with telling me, that he took it for granted, I was acquainted with the Declaration the *French* Ambassadors had made on *Sunday* last to those of this State, letting them know, how ready the Most Christian King their Master is, to enter into any Expedient, in order to the finishing of that Peace, (that was so near its Accomplishment) and to the bringing on of a General one between all the Parties in War; provided the Expedient be such a one as carries along with it an Assurance that *Sweden* shall be restored.

As the Most Christian King had not thought, he said, of detaining the Towns but for that End, so he, M. *Oxenstiern*, would be very joyful, and contribute the utmost on his Part, to avoid and prevent those Difficulties that will otherwise follow, in case those Towns are to be detained, and that some Expedient be not laid hold on. He did not specify

ify any Expedient, but enlarged upon the great Affection that his Majesty has shewn all along to the King of *Sweden*, and the Care he hath professed to have of his Interests.

THIS Instance, tho' it went no further than these general Terms, was very solemn and formal ; he requesting me not only to make my humble Representation of it to his Majesty, but also to write out of Hand to Sir *William Temple*, to desire his good Offices, which M. *Oxenstiern* hopes will be conformable to his Majesty's Intentions in Favour of *Sweden*, and will be of great Effect in the Heat of those Consultations they are now upon at the *Hague*.

YESTERDAY came to me a Gentleman, and delivered me the *Latin* Letter that goes inclosed from the Duke *de la Tremoille* ; he produced also a Procuration from him to appear here, and to demand that the Duke may be restored to the Kingdom of *Naples*, to which he hath a Right by Descent from *Frederick d'Arragon*, the last (as he says) rightful King of *Naples* ; *Ferdinand* the Catholick, and those that succeeded him, being but Usurpers.

I told him, that as this was a very arduous Point, so if he had any Thing to desire of me by way of Instance or Office, more than the giving an Account to his Majesty of his having been with me, and of transmitting the Procuration and the Deduction that goes inclosed, I should not be able to comply with his Desires, till I knew his Majesty's Pleasure, and received his Orders upon it ; for besides that the Business is of an extraordinary high Nature, so the Commission we had from his Majesty was limited ; and we were not to exercise the Function we had the Honour to serve in here, but in those Cases and Matters only that had given Occasion to the War, or else those that may be the Cause of continuing it, unless they be composed or removed ; with this he seem'd to be satisfied, and ask'd no more of me, but to lay the Thing in all Humility before his Majesty.

HE told me, the Grandfather of the present Duke had put in his Claim at the Treaty of *Munster*, but could not tell whether he obtained any Thing in Favour of his Title : He left with me two Books, the Title of the one is, *Traité du Droit Hereditaire appartenant au Duc de la Tremoille au Royaume de Naples* : The other is, *Titres justificatifs du Droit appartenant au Duc de la Tremoille, en la Succession Universelle de Frederic d'Arragon, Roy de Sicily, Naples, Hierusalem, &c.*

THIS Morning the Deputies of *Hamburg* sent to know of me, when they might come and speak with me ; M. *Heugh* had taken Care two Days ago (out of his abundant Kindness for them) to let me know, they had visited the Bishop of *Gurck* ; this obliged me to order my Secretary that spoke with the Messenger, to take Notice to him of their having visited other Ambassadors, whereas that Respect was due in the first Place to his Majesty's Ministers, as the Mediator universally received ; the Answer that the Messenger gave was, that the Visits his Masters made were *en Amis* : I sent him Word, that before I could see them, I must wait for his Majesty's Pleasure, whether such Visits *en Amis*, are a Prejudice to his Majesty's Right, as 'tis settled by this Assembly : There is this in their Case, that they have not the Plea of seeing their Co-Allies, and consulting with them about the State of their Affairs, for they are no Parties in this War : I, on the other Side, considering the Embarrass I am in with Count *Antoine* and M. *d'Odyke*, could do no otherwise than refuse them ; but foresee I shall be at the same Lock ere long with the Deputies from the Elector of *Cologn*, Duke of *Newburgh*,

## 440 *Letters from the Embassy at Nimeguen.*

and City of *Liege*; for I presume they will see the *Imperialists* first, upon Pretence of their Union with the Emperor.

I came just now at Noon from the *Dutch* Ambassadors, who tell me of an Answer to the *French* Memorial (which came out here in Print on *Tuesday*, as you see by the inclosed) that will come out from the States; and that there is great Probability that all the Provinces will give into the Prohibition of the *French* Commerce; *Zealand* having declared it will be contented to have the Coasts watch'd, that nothing of *French* Growth do enter in, provided *Holland*, and the other Provinces, do give them the Reciproque.

### *Postscript.*

11 July, 1678.

AFTER my Dispatch was gone to the Post House, the Letter that goes herewith enclosed, was brought me from the *Hamburg* Deputies; I took leave to answer it, as you'll find in the same Paper; and you'll find by both, we shall want your Decision. I am, &c.

*L. Jenkins.*

*Nimeguen, 15th July, 1678.*

Right Honourable SIR,

SINCE my last, which was of the 11th, we have no Letters come out of *England* to this Place.

THE Syndic of *Cologne* delivered me the Letter inclosed, humbly addressed from those Magistrates to his Majesty, upon whose gracious Protection they profess to rely altogether in their present Streights.

M. de les Balbases, in a Visit he favour'd me with yesterday, told me, he brought me a Complaint against the *French*, for the unfair Proceedings in Demolishing, as they have begun to do, the Outworks of *Contray*, *Oudenarde*, and *Charleroy*; having born the World in Hand, that they would restore those Places fortified as they were. He did not, he said, desire me to pass any Office with the *French* about it, in Regard I had not meddled with any of their Proceedings upon this new Foot; but he had been, he said, with the Nuncio, to charge him with it, for that he had brought to him (and so to the *Imperialists*) the *French* Memorial of the 17th Current; wherein there is, said he, a Flourish made of so many important Places that are to be rendred to *Spain*; but if they be dismantled, as the *French* intend, they will not be of half that Importance: This he desired might be humbly laid before his Majesty; as also the unequal Dealing of the *French* in the following Point.

It is not long since that the *French* Ambassadors have given it in here, as a Demand of the King their Master, that the *Sicilians* that had left their Country, and were come over into *France*, should be comprehended in the Treaty; and should not only have an Act of Oblivion for what they had done, but also Liberty to dispose of themselves and their Estates: Now the *French* proceed by no such Measures with the Subjects of *Spain* in the *Netherlands*; for they are not content to possess and enjoy their Estates (such as lie within the Conquests of *France*) while they adhere to their King, but they are now upon selling away and alienating all their Estates in Lands, and cutting down their Woods without further Delay: Yet *France* having no Colour of Crime against them, saving that of adhering to their natural Liege Sovereign; the

the utmost it can do, according to the Rules of War, is to enjoy the Profits of their Lands for the present; however, they strip them not only of all at present, but of all Hopes to come by their own again; and yet in the mean Time, they will have the *Sicilians*, who have by all Laws forfeited their Estates, as being Rebels, and guilty of high Treason against their King, to be restored notwithstanding to their own again.

HE told me, but in Confidence, that the King his Master had not approved of the Steps the Duke *de Villa Hermosa* had lately made with so much Haste towards a Peace; he would let me see he spared him, in saying only, that he was not approved, and did as good as say, he had a Reprimand for it. He let fall some Words, as if this Assembly would probably break up, if the War went on, and *England* took Part in it; it being a Place, he said, that the *French* had too great an Advantage by, in Regard of the easy Communication they had with all this Country; therefore he would have the next Assembly to be further off from the Province of *Holland*, and the City of *Amsterdam*.

M. *d'Olivenkrantz* returned hither on *Saturday* Night, having made two or three Days stay at the *Hague*. I was to visit him yesterday, and found he expected the Answer of the States to the last *French* Memorial to come out, for by that a Guess may be made, he said, whether there would be any Place left for a Temperament or not.

I take leave to enclose a Memorial that M. *Blaspriel* gave in on *Thursday* last to the *Dutch* Ambassadors, taking notice, with some Sharpness, of what concerns the Elector his Master in the *French* Memorial of the 17<sup>th</sup> Current, and expressing his Confidence, that the States will not abandon an Ally, that hath been so useful and faithful to them, as the Elector has been; none of the other Allies have given Memorials upon this Occasion, nor do they think of doing it, as M. *de los Balbases* tells me: I can hear of nothing of Moment that pass'd in their Assembly on *Thursday* last, the great Expectation here being what will be finally resolved on at the *Hague*.

HAVING made a Step, before I close, to the *Dutch* Ambassadors, they tell me, it was but yesterday that they received the Materials of an Answer which the States direct them to make to the abovesaid *French* Memorial; they cannot be ready to deliver it to the *French* till late this Night, or else to Morrow; then they must send it to the States before it be published, but they promis'd me a Part of it with the soonest; they complain of the Way of Proceedings that the *French* persist in, having sent their Memorials in several great Pacquets to all the Towns in *Holland*: They thought the Prince is gone by this Time to the Army, and that all was agreed on betwixt Sir *William Temple* and the States. The Prohibition of the *French* Trade, they say, is to be but for 12 Months, but not to be stipulated as an Article. The Time of having the Most Christian King's last Answer was left in Blank when their last Advices came away, and to be adjusted with Sir *William Temple*; this was all they were pleas'd to tell me. I am, &c.

*L. Jenkins.*

*Nimeguen, 18<sup>th</sup> July, 1678.*

Right Honourable SIR,

SINCE my last, which was of the 15<sup>th</sup> Current, I have the Favour of one from you of the 12<sup>th</sup>; and with it an additional Instruction under



## 406 *Letters from the Embassy at Nimeguen.*

under his Majesty's Royal Hand, touching the Pretences of several Princes in this Treaty, and what my Collegues and I are to do upon them, when we are called upon here; the same Pacquet brought me 17 several Pieces (Memorials and other Documents) given in on that Side: Which gives me Occasion to lay before you the Cases of some other Princes, who seem to me to be within the Meaning and the Equity of his Majesty's Instructions to us, tho' the strict Letter does not seem to have taken them in.

THEY are the Dukes of *Deuxponts*, the Duke of *Mecklenberg-Schwerin*, (I do not mention him of *Gustrow*, for his Minister shew'd me, as he pass'd this Way from *England*, a sufficient Declaration of his Majesty's Pleasure) and the Counts of *Nassau-Sarbruck*; these have Ministers now, or had them lately, upon this Place; and they having given me Memorials of their Pretensions a good while since, I could not but charge my self with them, and promise to lay them in all Humility before his Majesty. I do not find that they have made any other Applications to Court; yet we shall hear of them as well as of the other Princes hereafter; therefore I submit it to you to discover, if you think fit, whether it be his Majesty's Pleasure to extend his additional Instructions to those Princes, as well as to the other, notwithstanding they have made no Applications at Court. I do not mention here the Duke *de la Tremoille*, for I believe it will be his Majesty's Pleasure that we shall say nothing at all in Answer to any Instance that his Minister shall make, but that we have no Orders to intermeddle in any Pretension or Controversie of that Kind.

I take leave to send you herewith enclosed, the Answer that the *Dutch* Ambassadors gave to the *French* Memorial of the 7<sup>th</sup> Current, they gave it in to the *French* Ambassadors on *Tuesday* last at Noon, who were observed to receive it with much Civility and Moderation, not giving any other Answer (that I can hear of) but that they would send it to their Court.

You will find it somewhat long, for they deduce in it the whole Matter of the Negotiation between them and the *French*, and quote at large the Most Christian King's Letter of the 18<sup>th</sup> of *May*, 1<sup>st</sup> and 30<sup>th</sup> of *June*, *N. S.* laying upon those Letters the main Strefs of their Reasoning, and inferring out of them, that there being nothing else required of the States as a Condition on their Part, but to enter into a Neutrality as long as a War should last between their Allies and *France*, it was not to be imagined, but that they entering into the Peace, by consenting to that Neutrality, were to receive all the Benefits of it, as soon as it should be consummated by the Exchange of the Ratifications and the Publication; which Benefits they could not be said to receive, without having the Places evacuated, and put into their Power.

OTHER Arguments they have taken from the Nature of the Thing itself, as that it cannot consist with a Neutrality, that any of the Places belonging to Neuters should be left to the one Party to be made use of against the other; and they say it is no Argument that the *French* should retain *Maestricht*, and the other Places, because they can with more Convenience and Advantage press the Elector of *Brandenburg*, and the Bishop of *Munster*, by having the Use of those Places; for then it would follow, that because the States have now in their Possession other Places yet more convenient to press those Princes with, that therefore they should have the Use of those also, which never enter'd into any Man's Thoughts; and yet the States, and so the *Spaniards*, are to be vested by this Treaty (as 'tis worded) in as clear and full

full a Right of the Places that are to be restored to them, as in those they are already possess'd of.

As for the Expedient propos'd in the *French* Memorial, they offer to do their best Offices to make up the Peace in the *North* in an amicable Way, if that be the Meaning in the Memorial; but if it be meant they should use Force or Constraint to bring the Parties to agree, they cannot do it, for the Reasons obvious to every body. That which hardly would have been expected, and is very surprizing in this Answer is, that in the close of all their strong Reasoning, these Ambassadors offer to conclude and sign the Peace, most earnestly desiring the *French* Ambassadors to concur with them in it; and the Peace offered to be signed is the very same, Word for Word, with that which was project'd before the 30<sup>th</sup> of *June*, *N. S.* and no Condition or Limitation spoke of, but that single one of evacuating the Towns; it being clearly insinuated, that if that be stipulated, the States will accept the Neutrality that *France* proposes, and will make up the Peace.

*M. Stradisman*, on *Tuesday* in the Evening, told me, the *Dutch* Ambassadors had at Noon offered themselves to the *French*, to sign the Peace; his Reflexion upon it was, that the Peace, in all Probability, will be made up upon this Offer; and that all the Parties must afterwards give into it, tho' it be a very bad one: The Emperor, for his Part, if the Necessity of the Allies did so require, would, he said, enter into it too; but if they should continue the War, he would go on as a very zealous Ally.

WHEN he told me this, he had an Account that the *Dutch* had made this Offer; but *M. Christine*, who had favour'd me with a Visit but a few Minutes before, did speak all that could be, with Regard to his Majesty's Generosity in entering into those Measures, which he thought would end in a War; and says, the King of *Spain* was to use his utmost Effort to give *England* Content.

BUT visiting *M. de los Balbafes*, as I did yesterday, he spoke himself to be clearly of Opinion, the *French* would accept of the Offer the *Dutch* had made, and seem'd to ground himself upon some Information he had, since the *Dutch* gave in their Answer: I dare not take upon me to say, his Information is from the Nuncio; but I am told this Day by *M. Petcum*, that the Nuncio gives out, the Peace will be made very suddenly.

*M. de los Balbafes*, notwithstanding what he told me some Days ago, that the King his Master had not approved of the Steps that the Duke *de Villa Hermosa* had made towards this Peace, seem'd to look upon it now as a Thing not to be refused by them the *Spaniards*, comforting himself, that in case the Peace went on, they, the *Spaniards*, would not be put upon the unreasonable Thing of procuring the Bishop and States of *Liege* to make over *Dinant* to the *French*.

BUT that which hath most Reflexion with me is, that since they, the *Dutch*, had given their Answer to the *French*, *M. d' Estrades* had been with him, to desire him that he would take the Opportunity of a Visit that *M. d' Olivenkrantz* intended to give him, to press him all that was possible, and (by that Means) his Colleague *M. Oxenstiern*, that they should not exact of *France* to procure for *Sweden* entire Satisfaction, but that they would consider how low that Crown is at this Time, and how great a Purchase it would be to preserve its Footing in *Germany*, with the Loss of something of its own. That he, *M. Bœverning*, had hereupon press'd the Thing closely to *M. d' Olivenkrantz*, and that the greatest Difficulty seems to be on the *Swedes* Side, that these Ambassadors

## 408 *Letters from the Embassy at Nimeguen.*

dors are not instructed in that high Point. M. *Beverning's* Conclusion to me was, that he thought the *French* would frame themselves to evacuate the Places; if so, the Peace is as good as certain.

THE *French* Ambassadors, on the same Evening they received the Answer of the *Dutch*, had a Conference with the *Suedes*, to represent unto them, how necessary it was they should yield something in those Points, and not put *France* upon those great Difficulties; to this the *Suedes* took Time to answer, but what their Answer was, M. *Beverning* did not know; only we guess, that since the *French* sent not away by their Courier the Answer that the *Dutch* had given them till yesterday, that they stay'd for the Answer of the *Suedes* to send along with it.

M. *Petcum* told me this Day, of a Project that is talk'd of in Town, and said to be M. *d'Olivenkrantz*, upon what Grounds he did not say, that *Wismar* shall remain to *Denmark*, the hither *Pomerania* to *Brandenburgh*, *Verden* to the House of *Lunenburgh*, and that the Bishop of *Munster* shall have Money; but it is extremely improbable that any such Discourse, much less Project, should come from M. *d'Olivenkrantz*; for he has told M. *Beverning*, they knew nothing of the King their Master's Mind in this Case; but M. *Beverning* replied upon him, (as he told me this Day) that they cannot be without Orders to some such Effect, since he, M. *d'Olivenkrantz*, having made a Journey last Winter to his King, he must then have made Account, and so must his Court too, to part with something that was their own for redeeming the rest. I remain, &c.

L. Jenkins.

*Nimeguen, 22th July, 1678.*

Right Honourable SIR,

SINCE my last, which was of the 18th by Express, I have the Favour of one from you of the 16th, for which I humbly thank you.

ON Friday the 19th, the *French* Ambassadors took an Audience of the *Dutch* at 5 in the Afternoon, and delivered them the Memorial that goes herewith inclosed; I was not able to get a Copy of it till 11 on Saturday, (which was from a private Hand) and sent it away immediately by an Express to the *Hague*, lest the Pensioner should be as slow in communicating it to Sir *William Temple* there, (where it is to have its main Operation) as the *Dutch* Ambassadors were to give me Part of it here; for I cannot but observe unto you, that when the *French* gave in their Memorial of the 7th, the *Dutch* were pleased to come presently and give me Part of it; but this new one lay full 24 Hours in their Hands, and the Contents of it was commonly known about the Town, before they spake to me of it, but sent it by Express to the *Hague* as soon as they received it. What they told me, when they left with me a Copy of it on 6 a Clock on Saturday, was, that they had observed unto the *French*, it was the same in a Manner with the last Memorial, saving that in this it is not proposed, as it was in the last, that the Difficulties between them should be Treated at *Nimeguen*, the Proposal of Treating it at *Ghent* by Deputies, is the same in both, and the deputing to the Most Christian King, (which is the 3d Way proposed) hath no other Difference in it, but that their Way would be somewhat shorter, if they should be sent to St. *Quintins*, than if they were sent to St. *Germain's*.

ANOTHER

ANOTHER Thing the *Dutch* Ambassadors observed upon it was, that if the ablest Man among them should be deputed, he would not be able to say any Thing upon any Expedient or Proposition that the King should make, he must have Recourse to his Masters, and so a great deal of Time would be spent. Besides, none of the Allies of the *North* would be present, and it would be hard to conclude them without hearing; thus they reasoned, they said, with the *French* Ambassadors, upon this Memorial.

M. *Becerning* seem'd to think, that the Inclinations that some Towns had lately discovered, of complying with the last *French* Memorial, so far as to depute towards the Most Christian King, is the Occasion of this new Memorial, thereby hoping to drive that Nail further; but he and his Collegue confessed, it is now no more an *entire Thing*, since the Treaty is concluded with *England*. They told me, that some Towns were so hot for deputing to the Most Christian King, that the Pensioner could think of no better Way to ward off that Blow, than the proposing to have M. *Borèl* sent hither to the *French* Ambassadors; and that is the true Occasion of his coming hither.

THEY brought him on *Friday* at Noon to his first Audience to the *French* Ambassadors, and yesterday he visited them severally; but they have not been pleased to tell me what his Proposition was: The Courier that arrived here on *Friday* at Noon, with Instructions for this new Memorial, or rather with the Memorial itself, brought some Thousands more of Passports for Ships along with him; the Pretence is, to equal the Number of those that the *Dutch* Ambassadors have sent them from the *Hague*: The *French* Domesticks did give out on *Saturday*, that the *Dutch* will depute; that *Ghent* will be the Place, and M. *de Louwcy* the Person on that Side.

ON *Saturday* Night, or rather yesterday Morning, (for it was past Midnight) there was a great Rout and Fighting in the Streets between the Footmen of the *French* and *Spanish* Ambassadors.

M. *de los Balbaces*, his Lady and Daughter, going Home about two a Clock in the Morning from M. *d'Odyke's*, where they had had an Entertainment; their Footmen were fallen upon (as the Story is told on that Side) by the *French*.

THE *French* Ambassadors say, all their Footmen were within Doors, till there were several Pistols and Carbines shot at the Mareschal's Gate, which gave them Occasion to go out and repulse that Violence; some have been wounded, they say, on both Sides; and more Mischief would have been done, but that the Gentlemen belonging to the *French* Ambassadors did their Parts very well in restraining their People.

THE three *French* Ambassadors came to my House yesterday, and M. *Colbert* made the Relation, whereby they made the *Spaniards* to be Aggressors, their Lacquies coming with Fire-Arms, and other Arms under their Coats, to M. *d'Odyke's* House, aggravating the Danger they are in of Affronts, from their being in an Enemy's Country, and especially at a Place, where the adverse Party outdoes them very much in their Numbers.

WHAT I had to say to them was, (having first told them how sorry I was for the Accident) to observe and press to them *two Articles*, in the general Reglement that his Majesty had directed to be proposed, and are long since established by a general Consent for the Peace of this Place; the *one* was, that no Footman, or Page, should wear any Sort of Arms; the *other*, that when any of the Ambassadors Servants should insult the Servant of another Ambassador, that the Master of him that

## 410 *Letters from the Embassy at Nimeguen.*

insulted, should send his Servant to the other Ambassador, to punish and order him as he pleased.

To the Execution of this last, they are obliged, I told them, as soon as they came to know who the Aggressor, and where the Fault was; 'tis true, this must be left to themselves to judge of, from the Circumstances and Informations they shall please to give heed to, since there is none that can pretend Jurisdiction to examine and judge in this Point; so that in this I could go no further than mind them of their Engagements; but as to the Point of prohibiting their Domesticks to wear Arms, I thought myself well founded to press it further, and to demand of them the due and strict Observation of that Article; and as it is in itself of the utmost Importance it should be well look'd to at all Times, so at this Time most of all; and that nothing that hath happened by this unlucky Rencounter, can in the least dispense them from observing it for the future as much as ever. For, as I told them, if either of the Parties will go arm'd, the other will do the same, and then all other Ambassadors will arm likewise for their Security. The Neutrality thus ceasing, we are not secure one Moment, but that Hostilities will break out, not only afresh between those Parties, but between others too, either as taking Part, or upon particular Rencounters of their own.

I went strait, as soon as they were gone, to *M. de los Balbases*, to press these two Articles, and from him to *M. de la Fuente*, (notwithstanding the Difficulty between him and me in Point of Ceremony) but I behaved myself with him, just as I had done upon the like Occasion with the *Brandenburgh* Ambassador, not sending to take an Hour of him, but going strait to his House, nor so much as sitting down while I talk'd to him; this I did, because I found his Majesty was pleas'd to approve of these Circumstances in my Address to the *Brandenburghers*.

I found *M. de los Balbases* to have a great Resentment of the Thing, and to have had Information, that the *French* had posted themselves in several Avenues, expecting his coming by; this he aggravated, as you may imagine, since none could be ignorant that his Lady, and Daughter that is big with Child, was with him in the Coach. Besides, I perceive there is some *Broiillerie* between the Women, and there had been some Affronts given to some of his People at *M. Colbert's*, some few Days ago, which was patch'd up by the Nuncio, but, it seems, not so fully to his Satisfaction.

*M. de la Fuente* (of whose People the *French* complained most, as having shot at the Marechal's Door) would not seem to be concerned at all in the Thing, telling me, his People came Home quietly with him, and had no Part in that Scuffle.

IN this Posture is this unhappy Business at this Time; I must confess I do not like the Countenance of it, but am going about to see what can be done to hinder the arming, which I am advis'd the *Spaniards* are upon; I have been already twice with the *Dutch* Ambassadors about it, and am now going again to advise with them, and the Magistrates. I am &c.

*L. Jenkins.*

*Nimeguen, 25th July, 1678.*

*Right Honourable SIR,*

SINCE my last, which was of the 22<sup>d</sup>, I have none from you to acknowledge.

ON

ON *Tuesday*, the *French* Ambassadors received a Courier in the Morning, as M. *Beverning* was pleased to acquaint me, telling me, they had in the Forenoon sent him and his Colleague the Extract of a Letter that M. *Pompone* had written them, of the  $\frac{13}{24}$ th Current, the Contents whereof were, that the *French* Ambassadors should press the *Dutch* Ambassadors, and (by their Means) the States, to depute a Person to wait on the Most Christian King at St. *Quintins*; and that the Person deputed, should be sure to come furnished with a sufficient *Plenipouvoir* to conclude and sign; M. *Pompone* observing, that it was an Omission that M. *Beverning* came without one to the *French* Camp.

THIS was M. *Beverning*'s Relation to me, and I sent away an Account of it in all Diligence to Sir *William Temple*, as I had sent on *Saturday* the last *French* Memorial, thinking it might be of Use to him, to be acquainted with these Things with the soonest possible.

I have found since, that his Extract was read to the Allies here, at an Assembly they had upon another Occasion on *Tuesday* Evening, and that the *French* Ambassadors are therein directed by M. *Pompone*, by way of Answer to the Objections that might be made on this Side against deputing; 1<sup>st</sup>, That it is a great Honour the Most Christian King does the States, and that they ought to understand it as a Mark of his Sincerity for the Peace, as well as of his particular Regards for them, to ~~come~~ to meet their Deputies half way. 2<sup>dly</sup>, That it will be much more expeditious, to have the Matters Treated in the Presence of the King, for that he will give his Decision out of Hand upon any Difficulties that there may arise. This I have not from M. *Beverning*, but from another good Hand, he telling me, the Extract was the same with the last *French* Memorial in all Things, saving that the *Dutch* ought to be minded of a *Plenipouvoir*.

ON *Tuesday* in the Forenoon, Messieurs *Colbert* and *d'Avaux* did render their Visits severally to M. *Boréel*; M. *d'Avaux* took that Occasion to shew him M. *Pompone*'s Letter, and they both, in their Turns, desired him to charge himself with communicating the Contents of it to the *Dutch* Ambassadors, pretending there was some Danger in their going to the *Dutch* Ambassadors House, lest any new Accident should happen between their People, and those of M. *de los Balbases*, when they should appear, tho' but in their usual Numbers, so near his House, which is in the same Street, and just over-against that of the *Dutch* Ambassadors.

M. *Boréel* apprehending there was a little Design in this, to bring him to some separate doings with them, excused himself; the Expedient they came to was, that he should acquaint the *Dutch* Ambassadors, that they the *French* had Business with them, but could not come to their House for the Reason abovesaid; therefore they desired him to send their Secretary over to the *French*, to receive by his Hands, as they did, an Extract of M. *Pompone*'s Letter.

ON *Sunday*, M. *Beverning* ask'd me, whether I would receive a Visit from M. *Boréel*, telling me, that he has no Manner of Character here, and that all he desired, was to be look'd upon and receiv'd as a Gentleman of the Country. I told him, that in that Case I should have no Manner of Difficulty; he told me further, (M. *Haren* being by) that they gave me their Word that he had no Character at all.

ON *Monday* M. *Boréel* came to see me, and I returned him his Visit next Day; it was easily to be observed in his Discourse, that the States are passionately desirous of a Peace, and that his Orders were, to declare it in the fullest and clearest Manner he could to these Ambassadors; that

the States will not be satisfied, unless the Towns be evacuated; and if that be done, they will get out of the War as fast as they can.

I thought to have closed this Letter with an Account of the Difference between the *French* and *Spanish* Embassies, but that it is too long a Story; they being yet disputing Punctilio's, and the Nuncio not able to agree them: I have not meddled with what is past, but endeavoured to secure the Peace for the future; the three *French* Ambassadors, M. *Chriffine*, and all the Allies, (M. *de los Balbafes* alone excepted) having declared expressly, that I am in the right, in that I demand that the Article of our Reglements, which is *contre le Port d'Armes*, be observed, and held to be indispensable, notwithstanding this Incident. But now at two a Clock, I receive from the Secretary of the *Dutch* Embassy, a Memoir that the *Dutch* Ambassadors gave in at Noon this Day to the *French*; he lends it me only to transcribe; 'tis an Answer, that the States will not depute to *Ghent*, nor to *St. Quintin*.

M. *d'Odyke* (who obliges me with the Continuation of his ancient Kindnesses, notwithstanding the former Difficulty between him and me in Point of Ceremony) sent for Mr. *Chudleigh*, to let me know (least the *Dutch* Ambassadors, his Collegues, should not be quick enough to inform me) that such a Memorial was given in; and that M. *Colbert* was very angry, and said, it was upon their Advices (the *Dutch* Ambassadors) that they, the States, were come to such a Resolution, that ~~that~~ the *French*, would not fail on their Part, *de donner aussi les avis sur cette occasion au Roy leur Maître, & ils ne doutoient pas qu'il ne res pondist comme il faut.* I am, &c.

*L. Jenkins.*

#### P O S T S C R I P T.

M. *d'Avaux* being with me at 11, to tell me, the *Broüillerie* between them and the *Spaniards* was made up, said, it was Pity the great Differences were not made up likewise; that they had received at Noon a Memorial from the *Dutch*, which had little Tendency to it; that they had immediately sent it away; that he did not for all this despair of the Peace; and when I replied, that it was, and would be in their Power, to give it by signing the Peace within the Time, and upon the Terms the *Dutch* desired them, which Terms were, those of evacuating the Towns; *Je ne dis pas cela*, was his Answer.

M. *Hough* told me, the whole Assembly of the States were unanimous against deputing; only some Towns were for Writing a civil Letter to the Most Christian King, but that was carried in the Negative.

*Nimeguen, 29th July, 1678.*

*Right Honourable SIR,*

SINCE the Letter I troubled you with of *Thursday* the 25th by Express, of which I had no Time to take a Copy; I writ another (yesterday) by a Servant, which I sent to Sir *William Temple*, but have none from you to acknowledge.

My Letter of yesterday had in it a Memorial given in by the *French* Ambassadors to the *Dutch*, between 9 and 10 on *Saturday*, a Copy of it goes herewith; for what past between the *Dutch* Ambassadors and me upon it, I humbly take leave to refer you to what I writ yesterday, which will, in all Probability, be delivered you afore this; my having Orders (unless Sir *William Temple* dispose of him otherwis

pass forward into *England*, or else it will come to Hand by the same Ordinary with this.

THE *Dutch* Ambassadors took an Audience yesterday of the *French* about 3, to give them an Answer upon their Memorial; all the Account I have yet of what passed between them is, that they offered to sign the 'Treaty; this I have from other Hands: That which I have from their own Secretary is, that the *Dutch* ask'd the *French*, whether those two Points in the Memorial, the one touching the Evacuating of the 'Towns, and the other, touching the satisfying of *Sweden*, might not be separated; and the first being assured by a Treaty signed, the other Point might be adjusted, as (after the signing of the 'Treaty) upon the States deputing, or as otherwise should be agreed between them.

THE *French* Ambassadors answered, that it was not the meaning of the King their Master, that those two Points should be separated; however, the Cry of the Town at this Time is, that the Peace is as good as made.

THE Nuncio hath put an End to the Difference between the *French* and the *Spaniards*; but the Allies being somewhat diffident it may not last long, have deputed M. *Beccrning* to me with one Proposition, and M. *Hengb* with another; M. *Beccrning's* Proposition was, that I would sound the *French* and *Swedes*, whether they would be content, that a Garrison should be brought in hither to secure the Peace: M. *Hengb's* was, to desire me to draw up an Article, to oblige all Ambassadors to give notice the one to the other, when they should perceive any Tendency to a Difference or a Tumult between their People; this last Proposition the *French* and *Swedes* consented to, but for the admitting of a Garrison here, the *French* desired a Fortnights Time to consider of it.

THE Business was composed thus: The *French* were to send a Complement to the Marchioness *de los Balbaces* and her Daughter, upon their being frightened with the shooting of Pistols so near the Coach; and the Marquis was to be by, when the Complement was made; then the *Ecuyers* of both Sides were to carry two or three of the most forward and faulty of the Footmen to the Mediators, to receive a Reprimand; but I excused my self from meddling in it, or seeing any of them, for that the *Reglements*, as they are settled, bear, that such Fellows are to be sent (not to the Mediators, but) to the Parties offended, if Ambassadors, or the Town Prison, if others; besides, I had no Hand in making up the Difference; my Part having been to keep both Parties strictly to the *Reglements* for the preventing their running into further Violences.

ON *Friday* was with me the Duke of *Luxemburgh's* Captain of his Guards, and his Secretary; the first has a Procuration from that Duke's Mother in Law, who claims the Dutchy of *Luxemburgh* by Descent; they gave me likewise a very long Deduction of the Pedigree and Descent; I fear Copies of all cannot be writ out for you by this Post: My Answer to them was, the very same I had made to the Duke *de la Tremoille's* Procurator; that it was a Matter very arduous in itself; that his Majesty's Commission to us here was limited to such Things as had given Occasion to this War, or else such as would keep it on Foot, if not remedied; however, that I would make a most humble Representation to his Majesty of the whole, and attend his Pleasure upon it.

• ON *Friday*, the *Imperial* Ambassadors gave notice to all the Ministers here of the Birth of an Arch-Duke; the Ambassadors returned their Complement, some on *Friday*, some on *Saturday*, with Ceremony; excepting the *French*, who did their Complement by a Secretary, there hav-



## 414 *Letters from the Embassy at Nimeguen.*

having always depended a Difficulty between Count *Kinski*, *M. Stradisman*, and them, that they have not yet seen one another; but 'tis said, when *M. de Gurck* (who is now gone to *Cologne*) returns, they will see him, since there is no such Difficulty between him and them in Ceremony.

THE *Spaniards* made their Complement as soon as they heard the News, and I next; the Nuncio not till next Morning; there being no Order observed, because none thought there was any Consequence in this Ceremony.

HERE was with me yesterday *M. du Crofs*, a Person that pretends very great Freedom and Access to his Majesty; he told me, he was come hither by his Majesty's special Orders, to perswade the *Swedish* Ambassadors to employ their Offices with the *French* Ambassadors, that they may insist no longer upon the detaining of the Towns; that he had brought Orders for Sir *William Temple* to transport himself hither along with him, but that Sir *William* excused himself for a few Days.

WHEN he spoke of the Affairs of the Duke of *Holstein*, I was forced to observe to him, he did not keep that Respect, nor speak with that Reverence as was due to his Majesty; for he did not only deny, that the Duke of *Holstein* desired any more than his Majesty's amicable Offices, and not the Execution of a Guarranty, but he said, that his Majesty was obliged, *pour sa propre reputation*, to see that Duke restored; and that there was a Treaty made, as he said, between his Majesty and that Duke in 1667; which if it be observed, and executed on his Majesty's Part, that Duke must needs come by his own.

HAVING never heard of such a Treaty between the King and that Duke, but only of that single Act of Guarranty (which, as I take it, was not stipulated by the Duke of *Holstein*, but by *Sweden*) I beseech you to favour me with that little Light you shall judge necessary for me in that Point.

*M. Cannon* was with me yesterday, and is in the greatest Pain imaginable, for that this *M. du Crofs* and others do give out, (upon what Ground he nor I know not) that now the *Spanish* Towns are not to be detained, *Lorain* must remain as a Gage in the Hands of *France* till *Sweden* be restored: He begs there may be an humble Representation made of this to his Majesty, and his Protection implored upon it.

Now at Noon, the *Swedish* Ambassadors take an Audience of me; to produce their Powers; and I observing to them there was none among their Powers to treat with *Denmark*, *M. Oxenstiern* answered, there was not likely to be any need of it here, for that the *Dane* did treat at *Paris*; he went no farther in explaining what he had said, tho' I endeavoured to bring him to it. They complain much of the *Dutch*, and that *M. Beverning* declaimed against them last Night, loading *Sweden* with the Envy of hindering the Peace, tho' the *French* had declared the Towns shall not be detained; they desire that *England* would interpose, so as the *Dutch* should not be able to pinch them, the *Swedens*, in the Streights they are now in, in the Treaty of Commerce; they would gladly, they say, reserve something to gratifie a Friend, as the *English* are, which cannot be, if the *Dutch* can now compass the End they have projected to themselves, in demanding the same Liberty for the *Dutch* Ships, as the *Swedish* ones have in their own Ports. They took Occasion to speak their Thanks very largely for the Declaration that *M. du Crofs* had brought them of the King's Affection to their Master, and of his Readiness to assist them, the Towns in *Flanders* being restored. I am, &c.

L. Jenkins.  
Nim<sup>e</sup>

*Nimeguen, 30th July, 1678.*

*Right Honourable SIR,*

**I**N humble Obedience to his Majesty's express Commands, I, Sir *William Temple*, came hither at seven a Clock last Night. Immediately upon my Arrival, *M. de Balbases* sent to know, whether he might make me a Visit; which I consented to, and he came accordingly.

HIS Discourse consisted of his Hopes that I brought a good Peace along with me, of his Desires to hear whether the Treaty at the *Hague* was ratified or no, and his Complaints that the *French* were peremptory, and still refused to sign the Peace: That, for his Part, he could not be sorry for it; for tho' he should have sign'd it, yet, after having sign'd a Peace so destructive to *Christendom*, he should have retired himself from all Publick Business for the rest of his Life.

UPON his enquiring the Occasion of my coming, I told him, as I have done every body else here, that having been assur'd at the *Hague*, that the *Swedens* here having desisted from the Pretensions, of being restored before the Evacuation of the Places, and the *French* having always profess'd that Difficulty to have been rais'd wholly upon their Occasion, made no Question but the Peace would be immediately sign'd, and thereupon came hither, upon his Majesty's Orders, that I should be here at the Conclusion of it.

UPON the Marquis's his going out, my Colleague Sir *L. Jenkins*. came in to me, and being surpriz'd at the Unexpectedness of my Arrival, and I asking him whether he knew nothing of it, he said nothing, but from the Talk of a confident Man lately arriv'd here, who had given out, he had brought the Peace in his Pocket, and Orders for Sir *W. Temple* to come with him to *Nimeguen*.

HEREUPON I shew'd my Colleague my Instructions, which you last sent me, grounded upon *M. du Croix's* Proposition; he told me, the Thing was done before I came; that the *Swedens* had not only desisted from their Pretensions, but that the *French* had own'd it in their Memorial on *Sunday* last, and declared, that upon it their Master desisted from detaining the Towns: But however, that he, my Colleague, did not find the Peace was much the nearer, since the *French* Ambassadors did still refuse to sign it, and persisted still, that the *Dutch* should send to treat and conclude it, either with the King their Master in Person, or with his Deputies at *Ghent*.

WHEREUPON, consulting with my Colleague, we concluded together, that we should not say any Thing to the *Swedish* Ambassadors of what your last Instructions import'd, unless they spoke to me of it, and seem'd to expect it from me; in Regard that whatever his Majesty intended should be done by the *Swedens*, towards the Evacuation of the Towns, had been already fully done by them; and that no Declaration of his Majesty's Instructions to me was meant, or could tend to this new Difficulty rais'd by *France*, upon the *Dutch* deputing to the Most Christian King, or to his Deputies at *Ghent*.

THE next Visit I received was at 9 this Morning from the *Danish* Ambassador, whose Discourse was chiefly upon the Occasion of my Journey hither, upon the Ground it may give to the *Dutch* of receiving otherwise this Proposal from *France*, than they might possibly have done, if I had been at the *Hague*; upon the Liberty *M. du Croix* had taken here, of proving the Instructions he brought from his Majesty, the great Credit

## 416 *Letters from the Embassy at Nimeguen.*

Credit he had at our Court, which he, the Ambassador, thought very strange, considering what he pass'd for at their Court, where he was sufficiently known; and thereupon he gave me a Character of the Man, which I will not trouble you with.

THE *Danes* leaving me, the *Swedish* Ambassadors came in; their Discourse consisted chiefly, in valuing the generous Peace they had made, of desisting from their Pretensions, since those alone seem'd so much to retard the Peace. They said, that tho' they reckoned upon the good Offices of *Holland* after the Peace, as well as upon the Assistances of *France* towards their Restitution; yet their chief Confidence was on the good Intentions of his Majesty towards their Crown, of which they had received such Testimonies upon all Occasions.

HEREUPON they began to discourse of the last Memorial, and made their particular Reflexions upon two Passages in it: The *first*, that *France* seem'd to intend that they, the *Swedes*, should owe their Restitution to the Measures that *France* should take with *Holland*, upon that Occasion; whereas their chief Hopes was from his Majesty, and that they had very little from *Holland*, besides their common Offices after the Peace was made. The next was, from the last Words of the Memorial, by which it appears, that *France* intended to treat and conclude the Peace with the Deputies of the States, in a Place where there was like to be no Minister from *Sweden*; which, they said, they did not very well understand, nor thought they had Reason to be satisfied with what the *French* Ambassadors told them upon it, that the King their Master's Intention was, the Peace should be signed here at *Nimeguen*, tho' it were concluded at St. *Quintin*.

ALL that I answer'd to these Discourses was, my Complements upon the Declaration they had made, of desisting from their Pretensions, rather than hindering the Peace of *Christendom*; and the Assurances that I had Orders to give them, of his Majesty's good Intentions towards their Crown. And here our Discourse was like to end, when I resolv'd to make some mention of M. *du Crofs*, to find out what they would say upon it, and what the true Ground had been of his Journey and mine hither. I told them, that I was in Hopes to have found the Peace ready to be signed here when I came; for besides the Assurances the Pensioner had given me and M. *Silvercroon* at the *Hague*, of their Excellencies having desisted from their Pretensions, which had retarded the Peace; I heard that M. *du Crofs* had said, upon the Way hither, that he carried the Peace in his Pocket; and that he brought express Orders to them, the *Swedish* Ambassadors, which they had not before.

M. *Oxenstiern* said very gravely to this, *Assurement Nous n'avons pas agi par des Ordres, qui Nous ont esté portez par M. du Crofs.* But M. *d'Olixenkrantz* smiling, said, *Monfieur, pour ce qui de la vanité il la faut a M. du Crofs, puisque vous sçavez quil est Gascoin.* I told them hereupon, that M. *du Crofs* had told both me and M. *Silvercroon*, that the Declaration made by the *Swedish* Ambassadors here, had been grounded upon the Assurances that his Majesty had given, particularly to M. *du Crofs* in *England*: M. *d'Olixenkrantz* replied a little warmly, *Monfieur, vous me pardonnerez ce la a esté fondé sur les Assurances que le Roy m'a donnée devant que de partir de Londres.*

By these Lights, I suppose, you will be able to unriddle better than I can do here, what hath been the true Bottom of all this Intrigue.

AFTER the *Swedes* left me, the *Danish* Ambassador came in, and presently after them, as we had concerted together, came I, Sir L. *Jenkins*,

kins, they fell presently into Discourse of the last *French* Memorial, in which, they said, they could find little more than in the former, but that it was a Transposition of Words. For whereas they had said before, they would not evacuate the Towns without Restitution to *Sweden*, they now say, they will evacuate the Towns, but they will first treat and agree with the *Dutch* about the Satisfaction of *Sweden*. They said, the first Period was clear, and that upon it they offered to sign the Peace, but the *French* refused, saying, that tho' their Memorial consisted of three Periods, yet they were to be taken — *pour une chose toute d'une suite*. The next Remark they made, was upon the Words *toutes les Places* in the first Period; which Word *toutes*, they found upon Search never to have been in any of their Memorials or Letters before; and they observed, the meaning of it might be, that though they desisted from the Design of retaining *all* the Places, yet they did not from that, of retaining some of them; and the Words, if you please to observe them, seem to bear it.

M. *Beccorning* said further, that when he offered to sign the Peace, and said, that they should not be many Days longer at Liberty, à Cause de leurs Engagements, the *French* replied, *vous vous fiez à vos Engagements Messieurs, & le Roy à deux cent mille hommes qu'il à bien payez*. They told them further, that his Majesty hath such Treaties with *France*, that would keep him from performing *ce que M. Temple stipulé à la Haye*. Whereto M. *Colbert* added, *& pourquoi M. Temple ne vient il pas, il à les Ordres du Roy son Maître de venir icy, aussi ne fait à la Haye que du mal*.

AFTER they concluded, that the Design of *France* was, to draw this Business into a particular Negotiation between them and the States, without either the *Swede* of the one Side, or their Allies of the other, and without *England* too; and by that Means to hinder them from the Assistance either of the Allies, or of us; that by these Memorials about Deputations to *France*, and by their Artifices in scattering Copies of them, as soon as they were delivered, they hoped to prevent the Measures between us and *Holland*, and to draw out the Time, while they pursued the Siege of *Mons*, and while *England* should grow weary of keeping up their Forces, when they knew the Parliament would not be willing to pay for Peace, tho' they would for a War. M. *de Haren* added, *il n'y à personne si aveugle qui ne voit tous ces artifices*, they both wish'd very much that I, Sir *William Temple*, were now at the *Hague*; because they doubted what Effect this Memorial might have upon them there, when they should see, in the first Period of it, a Declaration of the *French* to evacuate the Towns, but not consider that which follows.

THE first Visit I, Sir *William Temple*, received this Afternoon, was from Count *Kinski*, whose chief Discourse was, in extolling the Force of *England*, which had appeared so much by his Majesty's late arming so powerfully in so short a Time, saying, that if the King pleased, he was Arbiter of the World, and might be so of this Peace here, if he thought fit.

THAT for their Part (meaning the *Imperial* Ambassadors) in it, all that he would say was, that they were sent hither *pour Traiter, & non pas pour recevoir des Loix*; but that the *French* understood it otherwise: and that nothing had pass'd between them, since the *French* published the Conditions upon which they would make the Peace in the Beginning of *April* last: since which Time, they had often offered to treat upon them, but the *French* excused themselves; and for their

## 418 *Letters from the Embassy at Nimeguen.*

Parts, they were resolved not to receive those Conditions without treating upon them.

NEXT to Count *Kinski*, came to me the *Brandenburgh* Ambassador, whose Discourse was either Complement, or else Politick, upon the Affairs of *Holland*; how near the Prince was being absolutely lost there, about three Months ago; and how much he was recovered since this last Incident from *France*, about the evacuating of the Towns.

THE next Hours of 5, 6, and 7 this Afternoon, were given to the three *French* Ambassadors, who had been the last to demand it of me, having been yesterday out of Town at my Arrival: All past with great Complement and Kindness; besides which, *M. d'Esfrades* endeavoured to shew, that all the Sincerity in the World had been of his Master's Side, but that all had been artificial on the Part of the States, but especially on *M. Beverning*, who, he said, was *trep habile homme*; and always found some specious Thing or other to hinder the Peace, by which the *French* find, that the States really had no Mind to the Peace, how much soever his Master desires it.

*M. Colbert's* whole Desire was, to shew the Incident touching the Towns proceeded wholly from *M. Oxenstiern*; how the Most Christian King could not in Honour refuse it to an Ally, tho' he, *M. Colbert*, thought it much against his Master's Interests, and more against the Interest of *Sweden*, that his Master had desisted, immediately upon the *Sweedes* desisting by their Declaration, which was made to them here the 26<sup>th</sup> of July, N. S.

THIS made me reflect upon what *M. du Crois* would have said so dear to his Majesty, after that the *Swedish* Ambassadors had given the Point here; and as *M. d'Olivenkranz* said, upon the Assurances his Majesty had given him before he came last from *London*, but as others interpret it here, from the Fears, that in Case the War went on this Summer, the *Dutch* would lend their Fleet to their Allies, to beat the *Sweedes* clearly out of *Pomerania*.

I remember nothing in *M. d'Avaux's* Visit, besides the ordinary Things that pass in those of his Collegues.

ABOUT 8 a Clock, the *Dutch* Ambassadors came to us both a second Time, and said, they had Orders from their Masters, to communicate to us the Answer they had newly received from them to the *French* Memorial of *Sunday* last; which was in short:

THAT they were ready to sign the Peace, and should be so, till to Morrow was past; after which, they should be at Liberty no longer, in Regard of their Engagements with his Majesty; but that if they, the *French* Ambassadors, would sign the Peace, their Masters the States, after it was sign'd, (to shew their Respect to the Most Christian King) would send their Ambassadors not only to *St. Quintin*, but to *Paris*.

THE Time being thus short, and expiring to Morrow at 12 at Night, they told us, they would go strait from us, to acquaint the *French* Ambassadors, by Word of Mouth, with this Answer of the States, intending to give it them to Morrow more extensively in Writing. We are, &c.

*W. Temple.*  
*L. Jenkins.*

Nimeguen, 31<sup>st</sup> July, 1678.

Right Honourable SIR,

WE have made a large Dispatch yesterday, but we have staid the Bearer to see the Issue of this great and critical Day, which proves to be, that this Night late the Peace between *France* and *Holland* was signed; the *French* Ambassadors came at 4, and telling us, all was agreed between them, desired it might be signed at our House: The *Dutch* came an Hour after, and made the same Request, that we would sign with them as Mediators, having prepared a Preface to that Effect; we excused ourselves to both, finding that *Spain* was not like to sign with them; and told them, that his Majesty having sent us hither for the Mediating of a General Peace, and having had no Part in Negotiating this particular one, we could have none in the Conclusion of it.

M. *Beverning* said at parting, *nous allons nous perdre, mais il faut obeir, & signer à ce soir.* M. *d'Olivenkrantz* came to us, to testify his Dissatisfaction that *France* was like to sign without them the *Swedes*. M. *de los Balbases* came to us, with very loud Complaints, that he had no Notice from the *Dutch* till this Afternoon, after they agreed upon signing with the *French* Ambassadors, saying, he was willing to sign the Project that the Duke *de Villa Hermosa* had agreed to, but not any new Conditions that *France* would impose.

LAST of all came M. *Kinski*, *Heugh*, and *Blaspiel* together, acquainting us with the Notice they had of the *Dutch* being resolved to sign the Peace this Night; and that they were going to them, to protest against it, and that they would bring us their Protestation in Writing: We told them all, we had no Part either in the Negotiation, or Conclusion of this separate Peace, but should report to his Majesty what the several Parties had said to us upon it: Nothing could be more surprising than this hath been here; none of the Parties seeming yesterday to imagine there would be any such Thing: All that we shall observe upon it is, that it seems to us a Thing, with which none of the Parties are pleased with. GOD of Heaven preserve his Majesty.

W. Temple.  
L. Jenkins.

Nimeguen, 1<sup>st</sup> August, 1678.

Right Honourable SIR,

HAVING made our Dispatch by our Express last Night in that Hast, as not to insert many Particulars, we take leave to add by this Ordinary, that M. *Beverning*, in the Account he gave us last Night of what had past yesterday between them and the *French*, that the Debates they had upon the several Parts of the Treaty lasted between them above five Hours.

THAT the *French* insisted hard upon the detaining of *Maestricht*, as necessary to their Operations in the War; next upon *Charleroy*; and then upon *Ghent*; and that when they, the *Dutch*, were peremptory in refusing all these Instances, they then demanded the Liberty of making their Magazines in *Maestricht*, with free Passage for their Armies in the Country belonging to it; but this the *Dutch* refused too; but after stiff Debates, the *French* yielded all the Points, tho' M. *Colbert* had said of

## 420 *Letters from the Embassy at Nimeguen.*

*Charleroy*, que sur la damnation de son Ame, he had no Orders to consent to the Evacuating of it. That the *French* had pinch'd them very much in several Articles of the Commerce, particularly in that of 50 *Sols par Tonneau*, and in refusing to regulate the Abuses in the Execution of it.

WHEN we press'd them last Night upon taking of *Spain* along with them, as a Thing which his Majesty understood was agreed on between them; they seem'd to apprehend the Importance of it as much as we could do, but said, their Orders were positive for signing last Night, in case *France* would come to the Evacuation of the Places; that they must obey, tho' *Spain* could not possibly be ready.

WE have nothing to add to what we writ already of the Marquis *de los Balbases* his Discourse last Night, but that he repeated his Complaints of the *French* demolishing the Outworks at *Courtray*, *Charleroy*, and *Oudenard*, contrary to the very Promise of *France*, and contrary to the Design of leaving a Barrier in *Flanders*.

HE desired to know of me Sir *W. Temple*, what the Difficulties were, upon which his Majesty had refused to ratifie the late Treaty at the *Hague*, without some new Conditions, which the States could not possibly come to; all which, he said, M. *Beverning* had told him in Confidence; I told him, that his Majesty had never refused to ratifie the Treaty, and that I thought it might be already come to the *Hague*.

THIS Morning the *Dutch* Ambassadors came to us at 10, and giving us an Account how they actually signed the Treaty last Night at 12 a Clock; they told us, the *French* had agreed to go on in the Business of *Spain* to Morrow, wherein they foresee two great Difficulties; the one will be that of bringing *Spain* to an Article of Neutrality, and thereby to separate the two Branches of the House of *Austria*; the other, about what *France* hath already demolished, and what new Forts they pretend to build.

UPON this M. *Beverning* told us with great Sadness, that he saw from this, and several other Things, what the Design of *France* is, saying these Words, *il est clair comme le jour, qu'ils nous veulent tromper*; that when *England* should be disarm'd, and *Holland* too, *je prevois un saut qu'on voudra faire, dont Dieu nous garde*; that he never signed a Treaty so much a *contre-cœur*, and that he would never take a Commission more from his Masters.

WE telling M. *Beverning*, what M. *Balbases* had told us last Night, (as from him) about his Majesty's refusing to ratifie the Treaty; he replied, that he had not said, that his Majesty had refused to ratifie; and that what he had told M. *Balbases*, was only from a Letter of M. *Van Beuninghen's*, that there had been only some Difficulty in it, upon some Expressions that his Majesty disliked.

AFTER this, he produced a Letter from the Pensioner, with an Expression in it from the Prince, saying, that while the Ministers were deciding Affairs here, they were like to decide them another Way by a Battle, which in all Appearance was to be given yesterday or this Day.

*W. Temple.*  
*L. Jenkins.*

*Nimeguen, 5th Aug. 1678.*

Right Honourable SIR,

SIR *W. Temple* and I gave you an Account, by an Express that went hence on *Thursday* Morning, of the Signing of the Peace between *France* and *Holland*, on *Wednesday* last late at Night; the same *Thursday* we writ again by the Ordinary. Sir *William* shewed me a Letter of yours of the 30th past, (which I doubt not himself will acknowledge) received on *Saturday* Morning by Express, and went hence yesterday before 5 in the Morning, in all Hast for the *Hague*, in order to exchange the Ratifications.

THE Treaty between *France* and *Holland* is hitherto kept secret, the Term for Exchange of the Ratifications, is of 6 Weeks or sooner; all the Promise the *Dutch* have for evacuating the *Spanish* Places, is by Word of Mouth from the *French* Ambassadors; they have stipulated nothing for it in Writing; but the *French* have an Article from them for a Cessation of Arms with *Sweden* for 3 Months Space, as I am told.

ON *Thursday* Morning the Marquis *de los Balbases* was with us, to tell us, that the King of *Spain* his Master did rely very much upon his Majesty's Mediation, and therefore that he was come to make it his solemn Request to us, to pass our Offices in the Treaty that was to be set on Foot between him and the *French*.

ON *Saturday* Morning he came again to renew the same Request, and had obtained of the *Dutch* Ambassadors to come a little while before, and to declare, as they did, that it was their earnest Request to us, that we should enter into the Function of Mediators, excusing themselves very much, for that they had meddled (as they had done) since the 11th of *June* last, in going between the *French* and the *Spaniards*; they did not do it, they say, but for Want of other Mediators; the *Spaniards* having represented unto them, that the Nuncio would not meddle, because of a Concern the Church hath, that *Dinant* be not alienated from the Bishoprick of *Liege*; and that I had also excused myself from meddling, till I should receive his Majesty's Orders.

WE having considered his Majesty's Instructions of the 28th of *June* last, thought we could not deny our Offices to the *Spaniards*. Our Answer therefore was, that when they stuck upon any Difficulty, we would be ready to intervene; and in those Cases where the Difficulty could not be removed, we should make our humble Representation to his Majesty.

ON *Friday* M. *d' Avoaux* came to me, to know if we were at Liberty to pass any Offices between them, the *French*, and the *Spaniards*; and if so, they would bring us their Project, and desired us to pass our Offices upon it; I having taken Time to advise with Sir *W. Temple* upon it, (for that we had not yet so fully view'd our Instructions, and resolved what to do) went to his House, and told him for Answer from us both, that whensoever they should please to charge us with any Commission towards the *Spaniards*, we should be ready to pass our Offices in the usual Manner, but we have not heard from him since; there was a Project put by the *French* into the Hands of the *Dutch* Ambassadors some Time on *Friday*, but none as yet given in unto us.

ON *Friday* Messieurs *Kinski* and *Stradtzman* returning my Complement upon the Birth of the Archduke, (which they did in Ceremony with 4 Coaches and 6 Horses a-piece) they entred upon the Matter of

the



## 422 *Letters from the Embassy at Nimeguen.*

the Treaty, and said, they did implore most heartily his Majesty's Mediation and good Offices, in order to bring them to enter into this Peace; they are most ready, they say, to enter into Treaty; but to receive the Conditions of *France* as a Law prescribed them, the Emperor their Master will not suffer them to do it.

ON *Saturday* M. *Petcum* told me, that there are those here who would impute the Disadvantages of this Peace to *England*; and that his Majesty's refusing to ratifie the Treaty with *Holland*, (which now proves to be manifestly false) was the Motive at the *Hague*, which brought the States to huddle up their Peace before the  $\frac{1}{11}$ th of *August*. I did not know that the Ratification was then come, and so I could say no more, but that if the States did believe (as 'tis pretended) the King would not ratifie the Treaty with them, nor break with *France*, yet they had no Reason to precipitate so much their own Peace; and consequently give their Allies occasion to cry out against them, for not giving them above 6 or 7 Hours Warning, that they were going to sign the Peace; whereas they had given them all Assurance possible they would not sign without them.

ON *Saturday* Night late, the *Dutch* Ambassadors gave Sir *W. Temple* and myself an Account, that the *French* and *Spanish* Ambassadors had been the greatest Part of that Day at their House, one Embassy being in one Chamber, they going between them, each Project contains four or five and twenty Articles a-piece; they could not say, that with all that Day's Pains, they had been able to agree above 4 or 5 of the Articles, and those general ones; the most desperate are those concerning *Dinant* and its Dependencies, as also concerning some Lands on the *Sambre* Side, that were never spoke of before, but that the *French* will have to be meant in a Clause of their Conditions of Peace published in *April* last; for there 'tis said, (after that the Places are specify'd, first those that are to return to *Spain*, and then those that are to remain to *France*) *Et en mot toutes les Places & Pais dont sa Majesté Tres Chrétienne ne en à possession à l'Exception de celles qui sont marquées cy dessus*. By these Words, they would sweep off about 13 Villages in one Place, and about 25 in another, that they might have all clear to the River of *Sambre* on that Side.

ANOTHER Point is about the Neutrality, into which the *Spaniards* do make all the Difficulty possible to enter. This is but the first Essay. I suppose the *Spaniards* will not stick finally at any Thing; for I perceive M. *de los Balbases* is of Opinion, that nothing will hinder the *Dutch* from ratifying their Peace now they have signed it.

AT 9 this Morning came to me the *Dutch* Ambassadors, to tell me, they had had a Conference with the *Spaniards* yesterday, and had gone through all the Articles of the *French* Project. They found them immoveable as to the Point of entering into a Neutrality; and tho' they pressed them with a Precedent, of the Emperor's having entered into a Neutrality in the Treaty of *Munster*, yet they dare not do it, they said, for that it would be the certain Hazard of their Heads.

THE Places that the *French* insist upon are, *Beaumont* and *Chimey*, the first having 25, and the other 36 Villages depending upon them, the *French* pretend to have demanded them, in a Proposition they made in *January* last. M. *Beccerning* cannot find by his Papers, nor I by mine, that there was any Proposition made by *France* in that Month, therefore M. *Beccerning* conjectures (and says he hath some imperfect Notion of it, out of M. *Van Beuninghen's* Advices) that there was a Proposition brought from

from *France* to his Majesty about that Time, but does not remember the Particulars.

*Boeignes* is a Castle overagainst *Dinant*, on the other Side the River; the *French* must have that, which is another new Demand. Touching *Dinant* itself, the *Spaniards* will by no Means undertake to pass Offices with the Pope, the Emperor, and the Empire, the Prince and Estates of *Liege*. So that those Offices failing within a Term prefix'd, and the Cession not obtained, *Charlemont* must be given over to *France*. This Stiffness he, M. *Beverning*, approves not; they, the *Spaniards*, he says, should promise their Offices, and get the longest Term to do them.

BUT that which seems most dreadful to him and his Colleague is, that now they, the *Dutch*, having signed the Treaty with *France*, the *French* Ambassadors are like to yield little or nothing; *Je n'en espere pas seulement un paille*, were his Words; yet if the States should go further, and come to a Resolution to exchange the Ratifications as soon as may be, and before the Time prefix'd, then, and in that Case, if the Peace of *Spain* cannot be made within that Time, the *French* will yield nothing afterwards; and they, the *Dutch*, will not be able to help the *Spaniard* in the least, for that they must observe the Neutrality they have promised to *France*. This the *Dutch* Ambassadors seem to be troubled with, saying, one of them must go to the *Hague*; M. *Beverning* desired M. *Haren* would take the Pains to go this Evening, to acquaint their Masters, how Things stand here, and the little Probability there is of making up the Peace between *France* and *Spain*, and also the Consequences that are unavoidable, if the States do ratify their Peace before this other be made up. They told me, they were going strait to the *French* Ambassadors, they did not desire me to go along with them, but said, they would give me an Account before the Post went this Day of their Success.

THE Letter inclosed to his Majesty was left there by the *Nassaw Sarbruck* Minister, with such long Memorials, that will take up more Time than we have this Day to write out.

M. *d'Olivenerantz* calling upon me at Noon, told me, that the Treaty that is now on Foot between *France* and *Spain*, hinders them from bringing in their Treaty with *Holland*; however, they hope theirs will be quickly done; and the *French* Ambassadors told them yesterday, that that of *Spain* would not be long a doing. He told me, the Cessation between them and *Holland* is not for 3 Months, as I had been informed, the *Hollanders* are to be Neuters, not to infect *Sweden* themselves, nor to assist the Enemies of it, till the Peace be made.

HIS Business with me was, to propose the removing of the Difficulty between me and the *Hamburgh* Deputies; I told him that Business lay before his Majesty, and that I could not do any Thing but what his Majesty should please to direct upon it. Hereupon he desired I would lay before his Majesty these three Things, which he hoped would dispose his Majesty not to think so ill of the Step that those Deputies had made, in seeing the *Imperialists* before they saw me.

THE 1<sup>st</sup> was, that it might be considered, whether the Deputies of Towns had a Quality of that Nature, as to have any Consequence in it in Matters of Ceremony, as the Character of other Ministers had.

THE 2<sup>d</sup> Point is, whether there was not a Necessity for them to see the *Imperialists* first, in Regard that the Emperor is at this Time in a manner Master of their Town, the *Imperial* Commissary in it vexing and persecuting them at his Pleasure, from a Suspicion of their adhering to the contrary Party.

## 424 *Letters from the Embassy at Nimeguen.*

THE 3<sup>d</sup> Point is, that they had not yet delivered their Credentials to either of the *Imperial* Ambassadors, and he, M. *d'Olivenkrantz*, brought me these Credentials, to shew me they were yet entire and under Seal, telling me, that if his Majesty thought fit to give Way, they would deliver their Credentials to his Majesty's Ministers here, before they deliver those to the *Imperialists*.

IN this M. *d'Olivenkrantz* seemed to be somewhat concerned, and was in Hopes, that when his Majesty should please to reflect upon these three Points, he would give Orders that we should receive those Deputies. I beseech you, SIR, favour me with a Word of his Majesty's Pleasure upon it: This Subject lead him to give me a Relation of an old *Brouillerie* that is still depending between Madames *Colbert* and *Oxenstiern*, I mention it, for that it is made a Matter of State.

MADAME *Oxenstiern* lying in, Madame *de los Balbases* was the first to visit her, and was twice to visit her, before Madame *Colbert* made her first Visit. Madame *Oxenstiern* (when she was up) went first to visit Madame *de los Balbases*, and then thought to have visited Madame *Colbert*, but she refused to give any Time for it; the Most Christian King being informed of this, hath pronounced that Madame *Colbert* did well, and hath sent to *Sweden* to complain; and tho' Order in Visits (after the first) hath never been reputed here to have any Consequence; yet M. *Colbert* alledgeth what he did in *England*, after the Prince of *Tuscany* had seen the *Spanish* Ambassadors first, as Warrant in this Case. I am, &c.

L. Jenkins.

*Nimeguen, 8th August, 1678.*

Right Honourable SIR,

I Have now the Favour of one from you of the 30<sup>th</sup> past to acknowledge. I have written unto you on *Monday* by the Ordinary, and was forced to add considerably to your Trouble by an Express that went hence yesterday Morning. He brings you the several Projects of the Treaty between *France* and *Spain*, they are apostill'd, to the End you may see, with less Pains, when they agree, and where they differ: I sent you withal in a Paper apart, the Reflexion of the *Dutch* Ambassador (from whom I received the Account) upon the more important Points in Difference. I have ordered the Express to touch at the *Hague*, that Sir *W. Temple* may have a View of the Projects and Apostils, it would have lost us too much Time to have writ out Copies for him.

THE Business of the *Switzers*, which you are pleased to recommend in your last of the 30<sup>th</sup>, is done to Hand, as to the Treaty between *France* and *Holland*, both Parties having included them (as you'll find by the Article of Inclusion which I sent you by the Express).

I do not hear yet from the Administrator of *Wirtemberg*, his Pretension will not come on but with the Peace of the Empire.

YESTERDAY at Noon, M. *de los Balbases* was pleased to come and acquaint me, that the Day before, the Nuncio had proposed to him a Cessation of Arms, in Order (as was pretended) to the facilitating of a General Peace; that he had answered the Nuncio, he would accept of it, provided it exceeded not three Weeks Time, to be counted from *Tuesday* last, provided likewise that the Subsistence of Money, and the withdrawing of the *French* Army to the Territories of *France*, was agreed on, before the Cessation should commence, as also that that Cessation might

might be no Hindrance to the finishing, or signing of the Peace between *France* and *Spain*.

HE told me further, that he had been with *C. Kinski* over Night, and with *M. Stradtsman* yesterday Morning, that he had found them inclinable enough to accept of the *Armistice*, if their Allies of the *North* would do the same; that the *Munster* Minister had declared his Acceptance to the Nuncio, and the *Imperialists* too, and that they believed the Princes of *Brunswick* would give in to it; that they had not yet informed themselves what the *Brandenburgh* would do, but that they found the *Dane* to be against it.

THAT he, *M. de los Balbases*, gave me this Notice, to the End he may not be thought to have made this important Step of accepting an *Armistice*, without the Knowledge of his Majesty's Minister upon this Place; and that he had sent over Night to speak with me, but that it happened I was not within. That he had asked the Nuncio, whether the *French* would give in to this *Armistice* or not; and that his Answer was, he knew not yet; that he, the Nuncio, had made this Proposition, upon Occasion of Letters he had received on *Sunday* last from the Nuncio that resides at *Vienna*. That he, *M. de los Balbases*, having receiv'd News from *Brussels*, between 8 and 9 on *Tuesday* Night, that *Mons* had been relieved, he sent Word to the Nuncio yesterday Morning, that the State of Affairs being now changed, he understood the Promise he made to the Nuncio was to hold, if the States General, the Prince of *Orange*, and the Governour of the *Low Countries*, should approve of it, and not otherwise.

SOME two Hours after, the *Dutch* Ambassadors were with me, to acquaint me, that the *French* Ambassadors had been with them that Noon, to ask their Advice, whether they should accept of an *Armistice* that the Nuncio had propos'd to them or not; and whether they, the *Dutch*, would enter into the Guaranty of it likewise: To this last they answered, that they could say nothing till they knew the Pleasure of their Masters; and that in order to know that, they would be glad to know, whether the *Swedes* would consent to it or no. The *French* saying, they had not yet acquainted the *Swedes* with it, took this Occasion to go strait to them, whom they found ready enough to accept it, if the *Brandenburgher* would do the like, and the States would warrant the *Brandenburghers* accepting of it.

THE *Dutch* having this Account from the *French*, charged themselves with sounding *M. Blaspiel*, which they did; but found him averse enough from the Cessation; however, his Answer was, that there being a particular Treaty between his Master and *Denmark*, he would first speak with *M. Hengb*, and then give them his Answer; which the *Dutch* Ambassadors promised to impart to me as soon as they should have it, but I have not heard from them since.

ALL that I said to the *Dutch* Ambassadors upon this Occasion, as I had said immediately before to the Marquiss *de los Balbases*, was, that his Majesty having so great a Force a-foot both by Sea and Land, ready to enter into Action, and that Force having been raised in order to save the *Spanish Netherlands*, and to pursue those Measures his Majesty hath entered into with this State, he had a very great Interest that such a Step as this should not be made without his Knowledge, and that it was but Justice it should not be made without his Consent. This they acknowledged severally to be Reason; *M. de los Balbases* referring himself to what this State and the Governor of the *Low Countries* would do,

## 426 *Letters from the Embassy at Nimeguen.*

and the *Dutch* Ambassadors having nothing, they said, to say, till their Masters should give them Orders.

THE *Dutch* Ambassadors were of Opinion, that the Proposition of the *Armistice* moves from the *Imperialists*, and that *C. Kinski* finding the Emperor hath a Mind to it, fancies to himself the Allies, especially those of the Empire, will give into it; whereas they are not like to comply further with the Proposal than their own Convenience will lead them.

M. *Beverning* closed his Conversation with telling me, he had not gone yesterday Morning for the *Hague* (as he intended), in Regard he had found Work to spend the Forenoon more usefully here, in 'Treating with the *Swedish* Ambassadors, with whom they have made a considerable Progress, hoping that Affair will be quickly finished.

HE did not mention any Thing of our intervening between them as Mediators; nor did M. *d'Olivenkrantz*, when I asked him on *Monday* in what their Treaty with *Holland* was to consist; for his Answer was, that they as yet had done nothing at all in it, and could not, as long as the *French* Treaty with *Spain* was a doing; they must, they said, give that Treaty Leave to go before; but that when any Thing was done in it, they would be sure (as M. *Oxenstiern* in his Absence had done) to give his Majesty's Ministers here an Account of what passed; not saying that they would desire, or might have need of our Offices.

YESTERDAY the Gentleman that has the Procuration from the Duke of *Tremouille*, came to my House, and took out a Protestation; and having told me the Substance of it, would have had me to take it into my Hands; but finding me to excuse myself from receiving it, for the same Reasons I gave him in his first Address, he left it upon my Table. He had brought a Notary along with him, and having observed he had not rightly, at leastwise not fully comprehended my Answer, I took Occasion to repeat the Reasons why I excused myself from meddling, in the hearing of the Notary.

IN the Afternoon comes another Gentleman, that the Captain of the Duke of *Luxembourg's* Guards had substituted here, to speak with me; his Business was, to put in a Protestation for that Duke, together with a Copy of his Substitution; and finding that after his Address (which was exceeding civil) I did not reach out my Hand to take his Paper, he laid it upon my Table, in the Presence of the Notary he had brought along with him, and took his Leave.

THE Copies of those Papers you'll have with the next Opportunity: I will not trouble you with my Remarks upon the Protestations, it being not worth the while; but I am perswaded those Gentlemen made this Hast to put them in, because they see some clear Symptoms that the Peace with *Spain* will suddenly be signed; for otherwise it would be but very reasonable for them to stay a few Days longer for Sir *W. Temple's* Return; but then had they deferr'd the putting in their Protestation till after *France* and *Spain* had signed, a pretended great Point would have been lost; which is, that no Prejudice should accrue to their Principals, for that the King of *Spain* is acknowledged King of *Naples* and Duke of *Luxembourg*, in so solemn a Treaty and Assembly as this is.

THERE is this Difference in the Case of the Duke *de la Tremouille*, now at this Time, from what it was at *Munster*; there M. *Servien* appeared with the Procurator, and gave his Attestation that he was not heard, reserving indeed the Right of his King, which he took to be the better; here these Ambassadors, I am told, are forbid to appear in, or give Countenance to the Business.

BEING at II at M. *Stradtsman*, I asked him in what State the Cessation was ; he told me, that it was as yet a Thing new and undigested ; that the Emperor, as he was desirous to enter into the Peace, so he would refuse no Manner of Means conducing to it ; that the *French* had been yesterday with the *Dutch* Ambassadors, to know whether the States would warrant it or not ; and their Warrant was desired, not for one Party, but for all in general ; that the *Spaniards* are willing enough to do it ; that M. *Blaspiel* does not refuse the Proposition, but will write to know the Elector's Mind ; that M. *Heugh* had answered, that for his Part he would not hearken to any such Proposition, but left the Allies to themselves.

I cannot forbear to observe to you, that while I was in this Conversation with M. *Stradtsman*, M. *Blaspiel* and the Auditor of the Nuncio were together in a Room apart, which makes me suppose, that the Auditor may be near gaining his Point with the *Imperialists*, *French*, and *Spanish* Ambassadors, and that now he is labouring with the *Brandenburgher* ; and M. *Blaspiel* being M. *Stradtsman*'s Brother-in-law, they meet at his House : This being the first Time that I have heard of any Access the Auditor had to the *Protestant* Ministers.

Now at one, M. *Balbases* tells me, that there is no more done in the *Armistice*, but that the *Imperialists* and he have joined to intreat the Nuncio to give the Conditions of it in Writing, that they may afterwards propose it with more Certainty to their Allies. He says, the first Motion of this comes from the *French*, and that for his Part he will do nothing in it without Consulting the Duke *de Villa Hermosa*. That M. *Beverning* is gone this Morning to the *Hague*, where M. *de Lyra* will be sure to communicate with Sir *W. Temple*, as he said, the Steps that shall be made towards this Cessation.

WE hear not one Word more of the Protestation that the Allies threatned to give in in Writing, against the Peace that the *Dutch* Ambassadors signed with *France* only ; that the *Spanish* Ambassadors have said, they will not join with them, and the *Lorain* Minister, that he dares not.

M. *Beverning* tells me, he intends to insinuate to the States the following Reflexions, when he makes his Report.

THAT there are three Points depending between the *French* and *Spaniards*, in which there will be an extream Difficulty.

1. THE Alternative of *Charlemont* or *Dinant*.
2. THE Cession of *Beaumont*, and other Places up to the *Sambre*, not specified in the *French* Conditions.
3. THAT the *Spaniards* should enter into the Neutrality demanded by *France*.

1. FOR the Alternative, they are of Opinion, that whereas the *Spaniards* demand 3 Years, that they should be content with the Term of 12 Months, to try what they can do to procure the Cession of *Dinant* ; and the Term being agreed, that his Majesty and the States would be pleased *tenir le main & donner un garantie efficace* ; that in case *Dinant* cannot be had, *Charlemont* shall be given up to *France* effectually, without giving Occasion to the Most Christian King to enter into Arms to recover it.

2. FOR the Cession of *Beaumont*, and other Places beyond the *Sambre*, but not specified in the *French* Conditions, they said, they had pressed the *French* very hard with the Unreasonableness of that Demand ; all that they had from them was, that they promised to write to Court,

but they would not give them any Hopes of succeeding; however they, the *Dutch*, are of Opinion, that the *French* being in no wise founded for this Pretension, *qu'il faut appuyez les Espagnols.*

3. THE Neutrality demanded of the *Spaniards*, being that which goes nearest their Heart, there is no Hopes that they will give an express Article for it, all the *Dutch* Ambassador's Hope is, that they may be brought to do it in Effect, but yet under some Disguises.

THE Disguise is this, the 3<sup>d</sup> Article of the Peace of the *Pyrenees* providing for a Neutrality, and such a Neutrality in Point, as the *French* do now insist upon, they would be content to be tied to the Tenour of that Article, to observe and execute it as far as it is applicable to any of the Parties that shall be hired in this War, but then they must have this Article jumbled together with some more Articles of that Treaty, that they will charge themselves to observe, for better Disguise.

THIS the *Dutch* Ambassadors hope to bring about, but they have no Promise, they say, for it from the *Spaniards*.

THAT which M. de los Balbajés told me last Night upon this Subject was, that they, the *Spaniards*, would be brought to whisper the Mediators in the Ear, that they would be brought to observe a Neutrality very exactly, and that indeed the Condition of the Crown of *Spain* will not permit them to do otherwise, but cannot promise it by an Article.

THESE 3 are the great Points, for I do not mention the depositing of *Ghent*, or the detaining of *Charleroy*, or any of the Towns the *French* are now in Possession of, tho' it be in their Project, having satisfied the *Dutch*, they do not intend to insist finally upon any such Thing.

THERE are other Points in Difference between the *French* and *Spaniards*, but they are such as they have much more Hopes to compose.

1. AS first, for the Woods that are cut down, they think the *French* will find a Way to sweep them off if they be not yielded, and 'tis well they desist from cutting down any more.

2. *Les Enclavements*, and these they think ought to remain under the same Jurisdiction, and under the same Lord that they were formerly, till some better Order can be taken by the Commissaries of the Limits, who may have the settling of them for a Part of their Commission.

3. THE Artillery and Ammunition, by the 51<sup>st</sup> Article of the Treaty of the *Pyrenees*, remained to him, to whom the Towns were given; and the *Dutch* Ambassadors think that Treaty may well be the Rule in this Case.

4. FOR the Sluices of *Newport*, if the *French* should pretend to have them, as 'tis hoped they will not, their Opinion was, *qu'il faut appuyez les Espagnols.*

5. THE 5<sup>th</sup> Article against fortifying at *Mcim*, *Maubeuge*, and *Baray*, is better left out by the *Spaniards*, since the *French* pretend nothing of that Kind from them.

6. FOR those Debts *réelles*, they are of Opinion, the *French* should bear their *Quota* in paying them, as in the *Spanish* Project is pretended.

7. THEY think it a hard Case that the *French* do pretend to take away from Lords of *Fiefs* the Liberty of residing where they please in Times of Peace; much more, that they should debar them from disposing of their Estates among their Children as they see Cause, but that they must do it, with Regard to the Proportion of their Estates, under both Kings. In these Points, and that of the *Debts*, it was their Opinion, *qu'il faut appuyez les Espagnols.*



8. THAT it was very reasonable, to demand the double of those Sacks of Meal, that the *French* are willing to allow for the Subsistence of *Mores*.

As I was in this Conversation with them, a Letter was brought M. *Beverning* from the Pensioner, whereby he let him know, that at the *Hague*, they were of Opinion, that the *Spaniards* should give into the Point of Neutrality; but for the other Points, that it was Reason to support and stand by them. The Articles of Guarranty and Inclusion being to be the same in this Project with that which the *French* and the *Dutch* have lately agreed on, they were pleased to order their Secretary to give me a Copy of them, which goes hereunto annexed. They gave me likewise the Project which the *French* had given in for an Article of Neutrality for them, the *Dutch*, to enter into, with the Retrenchments they had made in it; all that is in it not scored, is the Article as it is now signed between the *French* and the *Dutch*. I send you the *fac simile* of it as it was given in, that it may be seen what the *French* demand. They gave me in the Clause of all the Article that concerns his Highness the Prince of *Orange*, which also goes herewith. I am, &c.

*L. Jenkins.*

*Nimeguen, 12th July, 1678.*

Right Honourable SIR,

MY last was of the 8th Current; since which, I have received the Favour of one from you of the 6th, directed to Sir *W. Temple* and myself; by which I perceive, his Majesty expects a more particular Account of the Points concluded between *France* and *Holland* in their new Treaty, and of the Reasons *Spain* had to refuse signing at the same Time, as also of the *Phys* that the rest of the Matter before us here is like to take, upon the Step made by *Holland*. For the Points of the Treaty, now signed between *France* and *Holland*, I have not been able to get Communication of them, (five or six Articles only excepted, which I have sent you already, together with the Projects of the Treaties between *France* and *Spain*) till yesterday the Treaty of Commerce, as well as that of Peace, between *France* and *Holland*, appeared here in Point.

I take leave to send you a printed Copy with Apostils, by which you'll see, wherein the Treaty, as now concluded, differs from the Project that the *Dutch* Ambassadors a long while since put into our Hands: I have also compared this Print with their Treaty of 1662, and where they differ it is noted in the Margent.

I do not find in this Print any Account whereby Hostility is to cease with *Sweden*, and yet M. *d'Olieenkrantz* told me, (if I understood him rightly) that such an Article there was, only 'tis writ from the *Hague*, that M. *Boréel* brought with him the Copy of an Act, concerning a provisional Neutrality with *Sweden*, which the States have put to their secret Chest.

As to the 2d Point, which is, that the *Spaniards* did not sign at the same Time with the *Dutch*, it was not that they refused it, but that it was impossible for them to finish their Treaty the same Day (the 31st of July) with the *Dutch* and the *French*; they had but 6 or 7 Hours Time, after they saw the *Dutch* would sign; and their Treaty then



## 430 *Letters from the Embassy at Nimeguen.*

then was not so much as rough-hew'd; besides that, the *Spaniards* meet with several new Demands in the *French* Counter-Project, as you'll find in the Account I have already sent you.

As to what *Plays* the rest of the Matter here will take, that seems to depend upon several Events, which are yet somewhat distant and uncertain. As upon the Resolution the States will take, to support *Spain* against the new Demands of *France*, especially that of *Beaumont*, *Boisigues*, and *Argimont*, which I am apt to think, the *French* will not so insult upon, thereby to give the States Occasion to delay the Ratifications.

ANOTHER Thing is, the Issue of Things before *Mons*; all that we know yet here is, that there was a Cessation to last till *Friday* Noon; but I perceive by M. *de Gurck's* Discourse to me last Night, that the Allies are in Expectation they will come again to Blows there, unless the *French* do give Way that it be revictuall'd; and which is more, he has Advice, that the *English* Infantry, that came up to *Bruxells* with his Grace the Duke of *Monmouth*, were seen since the Cessation began upon their March towards the Army before *Mons*, whence he would gather, that we are venturing into a Rupture, whatever Courses *Holland* shall take.

ANOTHER Thing that will govern Matters here is; the Resolution that the States will take, touching the Neutrality of *Cleves*, but that is the less likely to bring Things to Extremity, in that the States (the Province of *Holland* especially) treated that Affair with more Indifference and Coldness than was to be expected, when it was first set on Foot at the *Hague* and here; besides, M. *de Gurck* tells me, that the *Dutch* Ambassadors have got a Kind of Promise by Word of Mouth, that *France* will allow some Sort of Neutrality for some Part of that Country.

BUT as there is a likelihood, the *Dutch* will stick at nothing to perfect their Peace; so when that is done, the *Spaniards* must come in, and conclude theirs, whether they will or no; and if it be true, that the *Imperialists* and the *Northern* Allies were dealing underhand, to get into the Cessation that was to have begun the 1<sup>st</sup> of *July* last, if the *Dutch* had then concluded their Peace, it is to me probable they will give into this the Nuncio now proposeth; for the *Imperialists* will by that Means save the Point of Honour which they stand upon, so as to enter into Treaty, and not receive the Conditions of *France* by Way of Dictate, and their Points in Difference are not great.

HEREWITH I take leave to inclose a Protestation, that M. *Heugh* left with me on *Thursday* last, after the Post was gone, against the *Dutch*, for that they signed this Peace without them, their Allies, it is signed by M. *Heugh*, *Blaspiel*, *Petkum*, and *Termulen* (the *Minister*).

M. *Heugh* made me a Relation of the Manner that this new *Armistice* hath been proposed to him, by reading to me, out of a Paper, that which had pass'd between him M. *Blaspiel*, and others, upon that Subject.

HE thought fit afterwards, for the Help of my Memory, to order the Secretary of that Embassy to dictate that Paper to Mr. *Cbudleigh*, and I humbly take leave to refer myself to it, as it goes here inclosed.

NEXT Day, M. *Blaspiel* took an Hour of me, and made me a Relation of what had pass'd between him and others, upon the Subject of this *Armistice*; he had no Orders, he said, upon any such Point, but in virtue of a general Order he had, he was ready to give his Consent to

any

any Thing that should appear to be for the Peace or Good of the common Cause ; therefore he must see what the Conditions are upon which this *Armistice* is to be, and for how long a Time it is intended : That all that he can yet hear of the Conditions is, that which M. *Kinski* told him, that they may have their Choice to have the same Conditions which went before the Peace of the *Pyrenees*, or else those before the Peace of *Aix la Chapelle*. But that he, M. *Blaspiel*, had declared himself expressly, he would not receive the Proposal of it from the Nuncio, who is not acknowledged by him, nor has he any Commerce with him as Mediator, his Auditor he hath seen sometimes, but not upon Business,

He began this Subject, with an humble Acknowledgment of his Majesty's Favour to the Elector his Master, in declaring himself so ready to support him in the Point of the Neutrality of *Cleve*.

THIS Day at Noon, the *Swedens* Ambassadors having taken the Hour of One, came to acquaint me with the State and Condition their Peace with *Holland* is in at this Time, and to leave with me a Copy of the Project of their Treaty of Peace, tho' not of that of the Commerce : M. *Oxenstiern* began with telling me, that the *French* Ambassadors having obtained an Article from the *Dutch* Ambassadors, before the signing of that Peace between them, that they would proceed with all Diligence possible to finish their Peace with *Sweden* ; that they, the *Swedens*, and the *Dutch*, had since met several Times, and brought their Business so near a Head, that they doubt not but all will have a good Issue.

THEY could not say that the Paper they gave me was fully agreed between them, but that M. *Beverning* was gone with it to the *Hague*, and had charged himself with representing it to the States ; and they doubted not but the remaining Difficulties would be cleared : When he had said this, he told me, that out of the great Respect they had to his Majesty's Mediation, they thought it their Part to acquaint me with all the Steps that were made, and to desire me to transmit their Project to his Majesty, being resolved, they said, to carry Things fairly, and with his Knowledge as Mediator ; and excusing that they had not brought me their Project sooner, having been so busie that they could not, because of some Dispatches they had to make.

HERE you'll please to observe, (as I did to them) that they did not desire me to intervene, or pass any Office in the least between them and the *Dutch*, nor to charge myself with any more, than the conveying of their Project to his Majesty.

As for the Treaty of Commerce, they said, they are content to pass it upon the Project that the States had given them ; they differ only in two Articles, and they have by Word of Mouth given their *Ultimatum* upon each to M. *Beverning*, and expect his Return upon it.

THIS Way of proceeding hath, to my Apprehension, much of Artifice in it ; for thus they do not only decline his Majesty's intervening for the Peace, by his formal Way of commissionating what is done, but they conceal the Points of Commerce ; and in all Probability the *Dutch* do in this Point stipulate for themselves those Privileges and Advantages in Trade, which his Majesty's Subjects have no Title to by Treaty.

WHEN I told him, I was now possessed of the Ambassador of *Denmark's* Power, and that therefore I did not well comprehend the Meaning of what they had told me lately, that the *Dane* did Treat at *Paris* ; they both told me, they were now better able to inform me of what was done there, than they were when they first gave me that Hint. It was, that M. *Gior* is now at *Paris*, and offers to Treat there the Differences

## 432 *Letters from the Embassy at Nimeguen.*

ferences between *Sweden* and *Denmark*, and to make the Most Christian King Mediator ; and that he has full Power to Treat and conclude in the Behalf of the King of *Denmark* ; and hath offered to give the *Swedish* Minister there, or any other he shall employ, full Passports to pass to *Sweden*, and to fetch the necessary Orders for the making and concluding the Treaty at *Paris* ; that hereupon the *Swedish* Minister at *Paris* writes to these Ambassadors for their Advice and Orders ; they send him Word back again, that he should not enter into any Negotiation, or make any Step there, it being the King of *Sweden*'s Meaning, that the Peace should be made here, and under his Majesty's Mediation. They asked me News concerning the *Armistice* proposed here by the Nuncio, they said, the *French* Ambassadors had proposed it to them on *Wednesday* last ; that their Answer was, that they were not instructed in that Point : However, having Orders to follow *France*, in Things that shall be good for the common Cause, they would not have been against it. That *France* seemed then to like it, and told them, the Nuncio had assured them the *Imperialists* and *Spaniards* would give into it ; but they have not heard one Word of it since. I am, &c.

*L. Jenkins.*

*Nimeguen, 13th Aug. 1678.*

Right Honourable SIR,

I Spoke this Morning with M. *de Haren*, about the 13th Article of their Treaty of Peace ; he acknowledges the not limiting of the *Guaranty* to this War, to have been an Oversight of theirs, huddling up their Treaty as they did ; that the States their Masters observing to them the Slip, they chose to rectifie it by a Letter which they writ to the *French* Ambassadors on *Wednesday* last, they having first promised to answer it as they did ; that the Intention was, the Neutrality should be understood limited to this War, and that they, the *Dutch*, should be tyed to it no further, it appearing so by one of the Most Christian King's Letters (he could not tell which) to the States. M. *Beverning* and he thought this would suffice ; he could not, he said, shew me the Letter that the *French* Ambassadors had (all three of them) writ to them, the *Dutch* ; for that M. *Beverning* had carried it along with him to the *Hague* to make his Report. The *French* Ambassadors had been with M. *de Haren* late last Night, to tell him, the King their Master had ordered his Ratifications to be ready, and had named M. *d' Avaux* (who is here) his Ambassador with the States, and had sent 1000 more Passports for *Dutch* Ships. I am, &c.

*L. Jenkins.*

*Nimeguen, 15th Aug. 1678.*

Right Honourable SIR,

HAVING none from you since that of the 6th Current, I have little to add to the Trouble I gave you by my Letter of the 12th, and by another of the 13th, which I designed to come Time enough for the same Pacquet-Boat. However, herewith I take Leave to inclose the Duplicate, as also a Copy of the Cessation at *Mons*, since come to my Hands.

I should

I should have told you in that of the 13<sup>th</sup>, how that after I had talked with M. *de Haren*, and had from him the Account I sent you, touching the 13<sup>th</sup> Article of their Peace with *France*, that I desired him to have a just Regard of the Alliance the States are in with his Majesty, when they do make up their Treaty with *Sweden*; and that they would be pleased to take good heed, that no ambiguous Words be admitted, (to the Prejudice of our Treaties) as some of those in the Project seem'd to me to be. He told me, they were not so near agreeing as might be thought; that they, the *Dutch*, having given in a Project for the Peace, the *Swedes* had so altered it, as to make it quite another Thing; and that they did not offer any Thing satisfactory for the repairing of the Subjects of this State, who had been spoiled at Sea, or had had their Goods taken from them at *Stralsund*, and other *Swedish* Places, contrary to the Liberty provisionally agreed for their Commerce; that M. *Beverning* had charged himself to report these several Matters in Difference to the States, and that he would be back with their Resolutions very suddenly; and Care would be taken that nothing pass in that Treaty to our Prejudice.

He told me, that M. *Beverning* had since made his Report on *Saturday*, and in doing it, had had some hot and high Words with the Burgo-master *Valkemer*, insomuch that M. *Beverning* was very earnest for Leave to lay down his Commission, and to withdraw out of all Business forthwith, and not so much as return again to *Nimeguen*; but that that Matter will be taken up, and that yesterday was to have been the Day for the States to deliberate upon the Points in Difference between the *Spaniards* and *French*, as also between their own Ambassadors and the *Swedes*.

M. *Cannon* hath a Promise from the *Dutch* Ambassadors here, that they will be earnest with the States to have the Duke of *Lorain's* Concerns recommended in the best Manner to the Ambassadors they are now sending into *France*; he most humbly beseeches his Majesty, that my Lord of *Sunderland* may at the same Time renew his Offices in Favour of that Duke; M. *Serinchamp* having given him Hopes, that notwithstanding the Answer of the Court of *France* to my Lord be not favourable, yet that his Majesty will not desist.

BEING yesterday upon an ordinary Visit with M. *Blaspiel*, he told me, that he was just upon coming over, to let me know what he had then newly understood, of the Progress of that *Armistice* which the Nuncio had proposed, and whereof I gave you some Account in my Letter of last Week. He understood, he said, from a very good Hand, that the *French* had declared their Acceptance of it, requiring this only Condition; that it may not be shorter than 6 Weeks Time; for the rest of the Conditions, they were content that those that were agreed before the Peace of the *Pyrennees* should now take Place: This, he said, he was willing to inform me of, as he had promised to do, when any Thing more of this *Armistice* should come to his Knowledge. But in this he desired to go further with me, and to offer it to Sir *W. Temple* (whom he supposed to be now upon his Return hither from the *Hague*) and to me, whether it would not become us to enter into the same Notion of this *Armistice*, that most of the Parties seem to have; and to propose it as a Thing tending to the General Peace, to those *Protestant* Allies that own no other Mediator but his Majesty.

I told him, I did not know when Sir *W. Temple* would be here; and as he did not desire me of my own Head to propose it, so I should not presume to do it, without I knew more than I do of his Majesty's Plea-

## 434 *Letters from the Embassy at Nimeguen.*

sure upon that Point. I told him in the general, that which I have had Occasion formerly to tell the *French* Ambassadors upon this Point, that it was my Opinion, that when a Cessation of Arms is proposed in the Name of a Mediator (as this must be, if it be done at all) it is implied, that he will be the Guarand of it; and that I did not think it was safe, or becoming, for a Minister to engage his Master in a Guaranty, without his Knowledge or exprefs Order. This was my Answer to him, and I humbly beseech you, *SIR*, that I may have the Honour to know his Majesty's Pleasure upon this Point; as also what his Majesty's Pleasure is, that I should do or act here in the Absence of *Sir W. Temple*, who shewed me an additional Instruction he brought along with him, to enter again upon our former Function; but the Instruction being jointly to him and me, I think I ought to excuse myself from meddling in any such Thing till he do return, or I have further Orders. I am, &c.

*L. Jenkins.*

*Nimeguen, 19th Aug. 1678.*

*Right Honourable SIR,*

SINCE my last, which was of the 15<sup>th</sup> Instant, I have no *English* Letters come in; but *Mr. Hyde's* unexpected Arrival at the *Hague*, and his Proposition to the Deputies of secret Affairs there, affords sufficient Matter of Talk among the Vulgar, and of refining among the Ministers here.

*Mr. Hyde* was pleased to favour me with Notice of his Arrival, and with as much of his Commission as was fit to commit to a Letter, so that it came to my Hand before any one else had it here.

YESTERDAY in the Forenoon, *M. Blaspiel* took Occasion to call upon me, and to impart to me, what he had received by an Express from *M. Roomfwinckel*, (the *Brandenburgh* Minister at the *Hague*) of *Mr. Hyde's* Proposition. His Remark upon it was, that the Offer we made to break with *France* was the most vigorous that ever was; he doubted not, he said, but it would have a good Effect one Way or other: But when I asked him, whether it would have that Effect, as that upon it the States would forbear to ratifie the Treaty with *France*, and the *Spaniards* stand upon their Differences with *France*, so as not to wind up their Peace any Way they can get it finished: He answered, that he durst not undertake for either, this Country being, he said, miserably impoverished by the War, and the *Spanish* Governors being disposed to give in to any Manner of Peace, provided there be something left for a Governor in the *Low Countries*: In a Word, he said the *Dutch* were quite weary of the War, and the *Spaniards* in no wise able to carry it on.

*M. Beverning* being arrived here on *Saturday* in the Evening, he and his Colleague were pleased to come over to my House. *M. Beverning* told me, they were come to communicate with me, by the special Directions of their Masters, upon what concerns the *Spaniards* at this Time; they presumed, he said, I had sent his Majesty an Account of the Project and Counter-Project, and of the Points in Difference between the *French* and the *Spaniards*; they hoped I might by this Time have his Majesty's Reflexions upon them. *M. Beverning* said, the States were of Opinion, the *Spaniards* should enter into the Neutrality, in such covert Words as the *Dutch* should contrive for them, and that they also should come to a Temperament about *Dinant*, in accepting a Twelvemonths

Time

Time for the making of their Instances; but that the States would stand by them, in case *France* should persist in demanding *Beaumont*, *Bovignes*, &c. and therefore they, the Ambassadors, desired to know of me, whether I had any Orders upon those Points: I told them, I had no Orders upon those Points, nor any Return upon that Subject. From this he went to the Proposition that Mr. *Hyde* had made at the *Hague*; he was of Opinion, he said, *que le Cas n'estoit pas echu*, in Regard the Declaration they got from the *French* for Evacuating the *Spanish* Places was (tho' it was by Word of Mouth only) sufficient, being joined with the Stipulation they had in Writing for the giving up of *Maestricht* to them.

LAST Night at 7, the *Dutch* Ambassadors did me the Favour to call upon me again, and told me, they had acquainted M. *de los Balbases* with the Sense of their Masters as above, and thought they had disposed him upon the two Points, the Neutrality and *Dinant*, *a passer par là*, but had assured him withal, the States would maintain him in his refusing the new Pretensions of *Beaumont*.

THEY came to me strait from the *French* Ambassadors, where they had been to complement them in the Name of the States, for the King their Master had been pleased to order his Ratifications to be in such Readiness; as also upon the Nomination of M. *d'Avaux* to be his Ambassador at the *Hague*. Then they let themselves into a Discourse with the *French* Ambassadors, about the Points in Difference between them and the *Spaniards*, and let them see, that the States did think, that they, the *French*, were not well founded in their new Pretensions of *Beaumont*, telling them, that the States did take the Thing to Heart, and that the King our Master shewed a Concern in it; and that they wished very much the *French* would desist from it, for Fear of ill Consequences.

THE *French* Ambassadors, on the other Side, supported this Pretension with the usual Protestations; one of them swore, they had no Orders to go off from it, and therefore persisted in it all along this Conversation: In the close of all, the *French* came to a new Proposition (as the *Dutch* term it), that they had to make to them; it was, that the Most Christian King would not only make good the Contents of his Letter to the States from *Deinse*, the 18th of *May* last, in those two Points, the one of continuing always in the same Disposition, to grant the same Conditions to *Spain*, that were offered in those Printed ones of *April* last, the other, of not attacking any strong Place in the *Low Countries*, when *Holland* should once become Neuter; but would also immediately, upon the Ratification with the States, render into their Hands all those Places that ought to return to *Spain*, when it comes into the Peace, and are intended to make up the Barrier; and this is altogether new. To this the *Dutch* Ambassadors answered, that their Masters could not, they thought, upon any Terms accept of that Proposition; it being such, if it be accepted, as will give an intolerable Jealousie to *England*, disoblige *Spain* to the utmost, and put the *Dutch* (in lieu of the good Husbandry they proposed to themselves) to a vast Expence, to keep Places that are none of their own. After they had thus excused themselves from this new Proposition, they, the *Dutch*, repeated again the Representations they had made, of the Inconveniencies that would follow, in case they, the *French*, should still persist to have *Beaumont*, &c. and desired them earnestly to write to their Court of it, and of the ill Consequences such a Demand would draw after it.

M. *Beccrning's* Close was, that they would not (at least they did not promise to) write to their Court about it, and so they parted; they,

the *Dutch*, telling them, they would give an Account to their Masters of what had pass'd between them in this Conversation, as they did by an Express last Night, favouring me with the Benefit of the same Conveyance, to write of this, as I did, to the *Hague*.

M. *Beverning's* Expressions to me were, that the *French* persisted in this new Demand for *Beaumont*, and that after two Instances made to them, with Mention of the ill Consequences that this Demand would have, they held to their Conclusion still, but methought they did not look upon them as like to persist finally, and remain immoveable in this Point, which I do take leave to note, because they said, they were to make a Visit in particular some Time this Day to M. *d'Avaux*; and would see, whether he had any better Answer or not to give them.

M. *Blaspick*, in the last Conversation I had with him, took Occasion to complain of what M. *du Crois* had spread abroad to the Prejudice of the Neutrality of *Cleves*, and he sent me some Hours after a Resolution of the States upon that Subject, the Translate whereof goes here inclosed, whereby I might see, he said, what the States were willing to do in that Point, and how they treated what M. *du Crois* had given out as a great Untruth.

M. *Beverning* speaking last Night upon the same Subject, said there was a great Wrong done them, the *Dutch* Ambassadors, in that Surmise, about a Passage for the *French* Troops by the Way of *Vissel*, for he said, in the several Debates they had had with the *French* about the Evacuating of *Maastricht*, they may have mentioned several Ways (by way of Discourse) whereby the *French* might remedy the Want they would have of *Maastricht* for such Occasions, but never was any Thing stipulated, or so much as offered from them, for the Passage of the *French* Troops one Way or other.

M. *de Haren* having some Days since permitted me Copies of the Letters that had pass'd between him and his Colleague of the one Side; and the *French* Ambassadors of the other, upon the 13<sup>th</sup> Article, and the Extent intended for the Neutrality therein mentioned, found upon Search that M. *Beverning* had carried those Letters along with him to the *Hague*, not leaving any Copy behind him; now upon his Return, I took leave to renew my Suit to them both, and they were pleased to send me this Morning the Copies of each; the Transcripts of which go herewith inclosed. I remain always, &c.

*L. Jenkins.*

*Nimeguen, 22<sup>d</sup> August, 1678.*

*Right Honourable SIR,*

SINCE my last, which was of the 19<sup>th</sup>, I have the Favour of two from you, the one of the 12<sup>th</sup>, the other of the 13<sup>th</sup> Current; for both which I most humbly thank you, as also for the Papers in them relating to the Duke of *Holstein*, Count *Antoine*, and the *Hamburgers*; according to which, and your Reflexion upon them, I shall endeavour to govern my self.

I can never sufficiently bemoan my Misfortune, in that I have not been able to give that Light which his Majesty expected from this Place, so soon as he expected, touching the Contents of the new Treaty between *France* and *Holland*; what Light I had, as also how and when I had it, appears by mine of the 12<sup>th</sup>; and I must humbly beseech his Majesty, to pardon that I could no sooner make my Discovery. What you are pleased



pleased to direct as to our not meddling by any Offices whatsoever in the Peace now going on between *France* and *Spain*, (as being avowedly a separate one) is very easy to be observed on our Part; yet there are Matters intervowen with that Peace, that his Majesty hath been pleased to recommend to us, as having taken them into his special Protection. I may Instance in the Business of the Dutcheſs of *Savoy*, as towards *Spain*; and the Case of the Prince *de Ligne*, towards *France*; I have not yet made any Applications either to the *French* or the *Spaniards* in either Case, and would be very glad to have some Directions from you, or else the Judgment of my Collegues (who I hope may be here 'ere long) to determine me, for it would be hard for us on the one Side to excuse ourselves to those Parties, when they know his Majesty's Orders to be expreſs to us; nor should we be much welcome either to the *French* or the *Spaniards*, if we should appear to meddle in such a Splinter of their Business, and yet decline our Offices in the main.

THE other Branch of your Directions is not to me without its Difficulty. His Majesty would have us by all Means to interpoſe ourselves, and even the ſooner the better, to return to the Exercise of our Function as general Mediators. But I cannot think it is his Majesty's meaning, we should offer to interpoſe ourselves otherwise than by insinuating to the ſeveral Parties, that we are in a Readineſs to do any Offices, and that we have Orders from his Majesty to let the Parties know, we shall do any Thing that lies in our Power, in Order to promote the General Peace; further than this, I think we cannot go; and I think it muſt be with ſome Circumſpection, in Regard of the King's Dignity, if we offer ourselves ſo far.

I told you in ſome of my laſt, how the *Swedes* are pleaſed to balk us with a Complement, in acquainting us forſooth with all that paſſes between them and the *Dutch*, but not making uſe of our Offices; the *Dutch*, on the other Side, have not ſo much as made us any ſuch Complement.

THE *Imperialiſts* and the *French*, you know, have another Mediator; and you have, I doubt not, obſerved in ſome of our Letters long ago, ſeveral little Drifts uſed by the *Imperialiſts*, to play all their Part into his Hands; the *French* then would not comply with them, but I can ſcarce think they will be now of the ſame Mind; and if they ſhould agree, either to treat immediately between themſelves, or to make uſe wholly of the other Mediator, I do not ſee in that Case any Place for us to interpoſe ourselves, or to return again to the Exercise of our Function as to them.

LAST Night very late, the *Dutch* Ambaſſadors were pleaſed to call upon me, and to acquaint me, they had then newly received the Answer of the States their Maſters upon the Propoſition that the *French* had made them here; which was, that the Moſt Chriſtian King would not only execute the two Points he had promiſed in his Letter from *Deinſe* of the 18<sup>th</sup> of *May* laſt, (the Points were, that *Holland* coming into a Neutrality, the Moſt Chriſtian King would attack no more Places in the *Low Countries*, and would be always ready to give the *Spaniards* thoſe Conditions he had offered them in *April* laſt) but would alſo, upon the Exchange of the Ratifications between him and the States General, put all the Places into their Hands, that are intended to return to *Spain*, and to make up the Barrier: To this Propoſition, the States have directed theſe Ambaſſadors to answer, that they cannot accept of it by any Means; for that which was the Letter from *Deinſe*, was made upon a Suppoſition that *Spain* would not enter then into a Peace; but that



## 438 *Letters from the Embassy at Nimeguen.*

now *Spain* having declared its Acceptance of the Conditions of *April* last, and that it is most ready to entertain the Peace upon those Conditions, that which is now offered by the *French*, is *hors de propos*, the State of the Question being now quite chang'd. To this the *Dutch* Ambassadors are directed to add their Instances, that the *French* would desist from the new Pretensions they have since set up, and keep themselves within the Bounds of those Conditions they offered in *April*.

ANOTHER Thing they told me was, that the States had sent them a Resolution of their own, whereby these Ambassadors are directed to do their utmost here, for the promoting and fixing of that Cessation of Arms which hath been so much talked on, as proposed by the Nuncio about a Fortnight ago, the States judging it would be a Thing very conducing to the General Peace. They came, they said, to inform themselves from me, in what State the *Armistice* was; I could give them no other Account of it, but what I had had of it from themselves; of which I gave you an Account in several of my late Dispatches. They told me, they intended to make mention of it, and of the Judgment of the States upon it, in the ordinary Assembly of the Allies this Afternoon; they thought the *Imperialists* would be no great Friends to it, and this moves from some Changes the Bishop of *Gurck* hath wrought, since his Return from *Cologne*, upon his Collegues; for it was generally believed here, it moved mainly from them in the Bishop's Absence.

THE Bishop, in a Visit he was pleased to favour me with on *Monday* Night, did not indeed seem to have any Inclination for it, complaining still of the Way the *French* took, and have not yet departed from, of imposing and obtruding Conditions upon those that are in War with them; otherwise the Emperor is willing to enter into any tolerable Peace; and there might be Expedients found out, said he, about the two Places (which make the only great Question) *Fribourg* and *Philipsburgh*. He repeated to me what he had in former Conversations often said, that it was not to be expected, but that *Spain* would grow quickly weary of maintaining the Places they have in the *Low Countries*.

ONE Thing *M. Cannon* told me on *Tuesday* Night, which is very remarkable, concerning the *Dutch* Ambassadors, that they have supplied the great Omission they had made in their hasty Treaty by an Act *ex post facto*, for now it is said, that they have an Act in Writing from the *French* Ambassadors, (bearing the same Date with their Treaty) whereby 'tis stipulated, that the Places that are to return to the *Spaniards* shall be restored them, upon the Exchange of the Ratifications between *Spain* and *France*. *M. Petcum* told me the same Thing, but neither of them would say the Thing positively, nor whence they had it, nor would *M. Petcum* say, the Act was *ex post facto*: The *Dutch* Ambassadors told me indeed the other Day, that the States do intend to have the Explication of the 13<sup>th</sup> Article about the Neutrality inserted into the Ratifications, and this possibly may be the Reason that the *French* dispatched two Couriers between *Sunday* and *Monday* last, the one upon the Subject of *Beaumont*, *Bovignes*, &c. which is acknowledged, the other may be to get new Ratifications with this Clause inserted. This is but my Conjecture. I am, &c.

*L. Jenkins.*

*Nime-*

*Nimeguen, 23<sup>th</sup> August, 1678.*

*Right Honourable SIR,*

**T**H<sup>O</sup>' I writ by the Ordinary yesterday, I am forced to trouble you again by this Express.

YESTERDAY in the Evening, between 5 and 6, was with me M. *Stradtsman*, in the Name of the *Imperial* Embassy, to acquaint me, that the *Dutch* Ambassadors had been with him and his Collegues the Night before, to offer them their Offices, both for a General Peace, and for a Cessation of Arms, yet desiring this Offer might so be understood, as not to intend any Prejudice in the least to his Majesty's Mediation.

T<sup>H</sup>AT they had answered them, they were not averse, either from the one or the other; but that their Orders would not permit them to do any Thing but with joint Concert with their Allies, and with the good Liking of his Majesty, who hath shewed such unparallell'd Zeal for the procuring of a General Peace to *Christendom*.

T<sup>H</sup>AT thereupon he and his Collegues had thought fit I should be acquainted with this Offer, and the Answer to it; adding, that as the Emperor had entered into this War for no other but Publick Ends, (he named two, the defending of the Empire, and *la Seureté publique celle de ses voisins & de toute la Chrifienté*) so he was ready to go out of it, if the King shall judge those great Ends like to be in some Measure attained by any other Means than that of continuing the War.

T<sup>H</sup>AT if his Majesty, and the Emperor's Confederates in this War, shall judge that a Peace, such as may be had at this present, will be a Means to secure the Ends abovesaid, and that a Cessation of Arms will conduce to such a Peace, the Emperor will give into the Cessation, and consequently to any Peace that shall be reasonable: But if his Majesty and these Confederates should think the pursuing of the War to be more likely Means to come by such a Peace, the Emperor will go on in the War in Conjunction with his Allies, and will enter into Measures with his Majesty, if he so please, for his coming into it.

T<sup>H</sup>AT he made it his Request to me, in the Name of his Collegues and his own, to represent this to his Majesty; the Emperor relying perfectly upon his Majesty's Judgment in choosing, and upon his Power in advancing the most probable Means to a General Peace; particularly upon the Judgment the King shall make, whether a Cessation of Arms at this Time be a proper Means, and may conduce to a General Peace or not; desiring withal, I would use my Diligence, they being extreamly concerned, he said, to know something, if they may be so happy, of his Majesty's Judgment.

F<sup>O</sup>R my Diligence, I made no Difficulty to promise it; but I desired he would let me take from him in Writing what he had told me; but he excused himself, for that the whole Embassy was not present: I let him know upon this Occasion, the fresh Orders we had from his Majesty, by all Means to embrace all Opportunities offered us, of serving the Emperor in his Interests, any way that his Ambassadors should propose; but craved Leave to observe to him, that the Point of his Majesty's entering into Measures with the Emperor for the carrying on of the War, would not come so properly before the King from his Ministers here, as from the *Imperial* Ministers now at the Court.

A<sup>T</sup> 7 M. *Heugh* came to me upon the same Occasion, and acquainting me with the Offer the *Dutch* Ambassadors had made of their Offices,  
with

## 440 *Letters from the Embassy at Nimeguen.*

with the Regard they declared to have to his Majesty's Mediation; he told me, his Answer was, that he could do nothing without the Consent of his Allies, nor yet without the Participation of his Majesty; partly for that they were not to depart from the only Mediator the King his Master had received; and partly, for that in a very late Treaty (of the 4<sup>th</sup> of this Month) between *Denmark*, *Brandenburgh*, and *Munster*, the Parties had agreed upon a special Deference to be paid to his Majesty, and therefore could not enter into any *Armistice* without his Majesty's Knowledge; the Article he sent me presently afterward, and goes here inclosed.

THE *Dutch* Ambassadors had told him, he said, they intended to propose this *Armistice* at the Conference of the Allies yesterday in the Afternoon, but that he had prevailed with them to forbear for the Reasons above said, otherwise that he and M. *Blaspiel* must oppose the Proposition of the *Armistice*, which they would not willingly do.

M. *Blaspiel* had been with me a little before these two, upon the same Subject; he was inquisitive to know, whether I had any Orders to propose a Cessation; if I had, he concluded his Majesty would presently disband, which would be ill for the Allies: I told him, I had Orders to do any Office that belong'd to our Function for the promoting of the General Peace, but that for the proposing of a Cessation, I was not yet instructed. He said, if it were proposed with *France* alone, he would accept it; if with *Sweden*, his Orders were not to do it; but in either Case, the Elector would hearken very much to his Majesty: Then telling me what new Obligations he had entered into to do it, he referr'd himself to what M. *Heugh* should tell me of the Article inclosed.

HE, as well as M. *Heugh*, desired me to acquaint his Majesty upon this Occasion, with the Dependence of their Masters upon what his Majesty should please to resolve for the Publick Good, that if it be by the way of Arms, they hope their Conjunction will not be unuseful; if by way of a Cessation or Peace, they are ready to give in to both upon any reasonable Terms.

THIS Application was, I doubt not, made of Concert between these 3 Ambassadors; their Drift seems to me to be, to discover whether his Majesty will declare himself to their Masters, that he will enter into Measures with them for breaking with *France*, tho' the *Dutch* should make their Peace; if his Majesty do so, they have that which they most desire; but if his Majesty should find that the *Dutch* will not continue in the War, but will ratifie, and should consequently have no Mind to enter into the War with the Emperor and the *Northern* Allies, they would then be glad to have his Majesty's Name and Countenance to bring them into this Cessation. But then I must humbly desire it may be considered, that this Cessation will be driven on (as must needs be) by the *Dutch* Ambassadors; nay, I am confident it would work out its own Way, tho' no Hand were to it; but for us to propose it here, while the Question of the *Cas ecchu on non*, is depending between us and the *Dutch*, and that his Majesty hath not the Answer of the *Dutch* upon it, would be of little Service to the Publick, yet of some Disadvantage (I fear) to his Majesty. We now pretend that the *Dutch* should declare *que le Cas est ecchu*, and that they will not ratifie with *France*, but go on with the War, and they doing this, we would do our Part in breaking.

It is whispered here underhand, that tho' the *Dutch* should refuse to ratifie, yet that *England* would not, for all that, come to a Rupture; this is an impudent Surmise, but no Ground or Colour so much as pretended for it; and if we should at this Time, that we are in Expecta-  
tion

tion the *Dutch* will refuse to ratifie, and go on in the War, promote or propose this Cessation, every body would conclude, that it was never our Meaning to enter into the War: For it cannot be imagined, that we will redommend a Cessation to the rest of the Allies, at a Time that we intend to imbarck in the War, and make Account the *Dutch* should go along with us. On the other Side, 'tis to me a strong Argument, that the *Dutch* are resolved to get out of the War, and to ratifie, since they have so strictly enjoined their Ambassadors to promote this Cessation with all their Might: Therefore I humbly conceive we should see the *Spanish* Peace signed, and the *French* Peace ratified by the *Dutch*, before we meddle in this Cessation; but this I leave with the perfectest Submission possible to his Majesty.

'Tis now One a Clock, and the *Dutch* Ambassadors give themselves the Trouble to let me know from themselves, what pass'd between the *French* and *Spanish* Ambassadors, who were assembled in their several Appartments in their House from 9 to 12 this Morning; they having mediated all they could, they said, between the Parties, upon the Points in Difference in their respective Projects, and they are now come to these Terms;

1. FOR the Places controverted, the *French* desist from the Demand of *Bouvignes*, *Argimont*, & *le Pais de la Sambre*, but insist still upon *Beaumont*.

2. FOR *Dinant*, the States offering them to warrant the Possession of it, the *French* accept the Warranty; but the *Spaniards* insist to have 3 Years Time (to begin when the War is ended) to procure the Cession of it; the *French* will not grant so long a Term; the *Dutch* would have the *Spaniards* content themselves with 12 Months.

3. THE *Messinois*, that were scarce thought of, at least were pass'd over last Time among the Concerns of particular Persons intended to be left out of the Treaty, make a great Obstacle now; the *French* will have them restored to their Goods and Estates, saying, they had insinuated this as a Condition *sine qua non*, by the Nuncio to M. *de los Balbes*, some Days before the Duke *de Villa Hermosa* had declared his Acceptance of the other *French* Conditions; but the *Spaniards* have direct Orders from *Madrid*, not to consent to any such Thing.

4. THE Neutrality shall be concluded in the Terms of the 13<sup>th</sup> Article of the *Dutch* Peace with *France*, adding a Limitation for the Course of this War only.

5. THE Articles of the Fortifications and the Artillery to be left out.

6. The *Debtes reelles*, and the *Enclavements*, to be left to Commissioners; and the Sluices of *Newport* are agreed about.

7. *Les Bois coupez*, none to be cut down after signing; and what is not carried off the Ground at the Ratification, to remain to the *Spaniards*.

8. *La Demure de Vassaux*, to be regulated as in the 19<sup>th</sup> Article of the *French* Project.

9. THERE is like to be a Difference, which hath not been yet debated, touching the *Chastellanie* of *Aeth*; the *Spaniards* would have it return to them, as it was given to the *French* by the Treaty of *Aix*; the *French* would restore no more but what is now belonging to that *Chastellanie*, two thirds having been dismembred of it since it is become *French*, and annexed to that of *Tournay*.

HAVING given me this Detail, they said, both Parties were still very stiff, but most of their Choler was spent about the *Messinois*. As for *Beaumont*, they said, the Demand that the *French* made of it, was not upon any Orders they had, but by way of Answer to what the *Dutch*

## 442 *Letters from the Embassy at Nimeguen.*

had told them on *Sunday* last, of the Resolution of the States to stand by the *Spaniard*, and to oppose that Pretension; they hope, when that Courier comes, he will bring Orders to desist altogether from that Demand. *Beaumont* is but a *Comté* of 13 Villages, and M. *Beverning* added, he did see no Likelihood that his Majesty will continue the War for it, or for a longer Term about *Dinant*, or for the *Messinois*, or such Matters as are but of little Moment in comparison of the Peace of *Christendom*; however, they, the *Dutch* Ambassadors, could bring the Parties no nearer, therefore must report again to their Masters. They say, the *French* are *fiers*, and that some of their Domesticks give out, that we in very few Days shall hear of News, that will be Matter of Astonishment to the World.

I stayed this Express some Hours, because M. *de los Balbases* had sent to take an Hour of me, to tell me what pass'd this Day between him and the *French*. They are forced to go into this Peace, because the *Dutch*, without whom they cannot subsist, will have it so; but that their chief Reliance is upon his Majesty's Protection, &c. I am, &c.

L. Jenkins.

*Nimeguen, 26th Aug. 1678.*

Right Honourable SIR,

I Troubled you with a Letter on *Thursday* the 22th by the Ordinary; and with another next Day by Express; I have since received the Favour of yours of the 20th Current, and therein his Majesty's Pleasure, that I should propose a General Cessation of Arms to all the Parties, for 6 Months Time: I did it immediately upon the Receipt of your Letter; his Majesty's Orders were so clear and precise, that I did not demur in the least to execute them, notwithstanding the little Reasons I had taken Leave to lay before you, for my deferring the doing of that Office yet for some Days.

I spoke with all the Parties that are in Town yesterday, M. *Cannon* excepted; but most of them having deferr'd their Answer till this Day, I reserve to account of them in the close of my Letter, (if they come Time enough) and continue the Thread of what hath pass'd between the *French* and *Spaniards* on *Saturday* last.

I gave you an Account by the Express, of all that passed on *Friday*; when they parted that Day, the *Spaniards* expected no more Conferences, till M. *Beverning* and they should have a Return from the *Hague*; but M. *Beverning* changed his Mind, and coming to M. *Balbases* at 9 on *Friday* Night, perswaded him to give the *French* a Meeting on *Saturday* Morning, which he did at the *Dutch* Ambassadors.

The first Thing that the *Spaniards* put to the *French* was, to have the *Chastellanie* of *Aeth* made over to them, in the same Extent that they had made it over to *France* in the Treaty of *Aix la Chapelle*. The *French* being immoveable in this Point, the *Spaniards* would have broke up; but the *Dutch* prevailed with them to stay, and go on, saving to themselves the Right to resume that Article.

From this they went to that of *Dinant* and *Charlemont*, the *French* would have the *Appendances* and Dependencies of either transmitted to them; but the *Spaniards* say there is no more in the *French* Conditions than they have accepted, but *le Ville de Charlemont au elle de Dinant*, — but no mention of *Dependencies*.

THE *French*, in the Article of the *Franche Comte*, set down *Besançon* with its Dependencies; the *Spaniards* replied, that is not neither in the *French* Conditions; for though it be said, that *la Franche Comte entiere* shall be quitted to *France*, yet that does not comprehend *Besançon*, but this they would quit, tho' not without some Recompence for it.

THE next Pull they had was about *Beaumont*; the *French* would have it to have been all this while in their Possession, because they had a Garrison in it; the *Spaniards* pretended the Possession to be on their Side; for that the King of *Spain* had received his Droits from it all along, and *France* no more but its Contributions; that the pretended Garrison was never above 25 Men, and those not to defend it, (for it was an open Place) but to gather the Profits belonging to the Lord of it. As in this Article they could do no good, so in that about the *Messinois*, the Parties were irreconcilable; and this was all they did (or rather thus they did nothing) in four Hours Conference in the Forenoon.

I had this Account from M. *Christine*, upon a Resolution he said of his Collegues; for tho' I had told him plainly enough, and M. *de los Balbases* too, that I was in no Capacity to do them Service in their Treaty, yet they could do no less, they said, than acquaint his Majesty's Minister with every Thing that past, since it is to his Majesty that they owe it wholly, that they hold up their Heads here, for without him they should have had no Treaty at all, nor *la Centécime partie*, of what is like to be accorded them by this Treaty, as bad as it is. He and M. *Balbases* complain heavily of the Earnestness wherewith M. *Beverning* presses them, supposing he is not so earnest with the *French*.

AT four yesterday in the Afternoon, the two Ambassadors met again, and were five Hours together; they brought their Business to this narrow Compass: 1. The *French* did quit the Villages of *Beaumont*, but would keep the *Chateau*, and would give them an Equivalent elsewhere, therewith to purchase those Villages again; at last the *French* came to this, that if the *Spaniards* will be content with the *Chastellanie* of *Aeth*, as now it is, they would give such an Answer both touching *Beaumont* and the *Messinois*, (which are the great Points in Difference) as the *Dutch* Ambassadors would be satisfied with.

THUS they parted on *Saturday* Night at nine, and M. *Christine* and M. *Haren* did me the Favour, as soon as their Conference was over, to come severally, and give me this Account.

WHEN I was yesterday with the *Imperialists*, about the Cessation, they told me, the *Spaniards* had been with them, and had let them know, that all was agreed between them and the *French*. M. *de los Balbases* told me, he had writ to *Don Emanuel de Lyra*, that they must submit; yet when I was with the *French* Ambassadors, they would not own that they were so near agreed, though they did not complain about any Thing so much as about the *Chastellanie* of *Aeth*, the *Dutch* Ambassadors could not tell me yesterday when they would meet to finish the same, but have sent Courriers this Day to *Brussels*, and *Fountain Bleau*.

INCLOSED I take leave to send you a Copy of my Letter to the Duke *de Luxemburgh*, in Answer to his. His Secretary said, he came hither on purpose to fetch my Answer, which I doubt will not please; first his Secretary would have me insinuate the Duke's Demand to the *Spanish* Ambassadors, which would have been a Fault; next, he would have had me answered the Duke, that I registred his Pretensions among the Acts of the Mediation: 'Tis true, they will lie in their

## 444 *Letters from the Embassy at Nimeguen.*

Order, as other Papers do that make a Part of the Amount hence, that is to lie in his Majesty's Archives; but the *Spaniards* would have Reason to say, I did them wrong to certify I had registred this Thing to their Prejudice, and not call them to it; besides, he would have had me said in my Letter, I had Orders from his Majesty to serve the Duke of *Luxemburgh*; I acknowledged to him I had so, but I did not think it proper to put it into a Letter, that I was sure would come to the Hands of the *Spaniards*. That which I like worst in this Secretary was, he would have perswaded me, the Nuncio had writ an Answer to the Duke so and so, which tho' it might be no Argument to induce me, yet I have Reason to believe 'twas otherwise.

'TIS now 12 a Clock, and I hear not from any of the Parties touching the Cessation, I know they have been (and some of them are now) together upon this Subject: I shall therefore be brief in my Account of what the several Parties have already answered upon my proposing of it.

I begun with the *Dutch*, both in Regard of the Confidence I live in with them, and of the Zeal their Masters have to promote a Cessation; they were glad of the Overture, and said, they would promote it with all their Might in the Assembly of the Allies this Evening; they said, it would be a hard Matter to adjust the Conditions of a Cessation, when we should come to fix them; especially the Quartering of Armies. M. *Beccerning* asking me, where the *English* Troops, that are now in *Flanders*, (especially the 3000 Horse that are now a transporting) shall be disposed of during the six Months. M. *Haren* said, that ought to be no Part of his Care, but that it was a Business to be adjusted between *England* and *France*.

THE *Imperialists* would not refuse, they said, a Cessation, nor any other Means tending to a Peace, but can do nothing but in Conjunction with their Allies, and therefore they took Time to speak with them.

THE *French* are ready, they said, to enter into it, provided it be general, and do take in all their Allies; that they thought six Months so long a Time, four would be enough; and they take it for granted, it is not intended to change any Thing in the Cessation now established between the Armies in *Flanders*.

THE *Swedens* desired Time to look upon their Instructions, and to consult with their Allies.

THE *Danes* had no Orders, but expected Letters this Morning, with the Reflexions of that King upon the Advices he had given of the first Mention that was made here of this Cessation, about a Fortnight ago.

THE *Brandenburger* had given the same Advices, but he could not hope till the latter End of this Week, to have the Elector's Answer; yet he would not be against the Cessation. His Highness the Prince of *Orange* had caused him to be writ to very lately, that it would be for the Elector's Service to give into it; but he hoped, his Majesty would not disarm for all the Cessation, but that he would see the Peace first made.

M. *Cannon* submits to it, purely because 'tis proposed in his Majesty's Name, otherwise he cannot think of it, he said, without Horror, since it leads to a Peace, that will be the burying alive of his Master, and the exterminating of his House; all his Hopes are in his Majesty's Protection.

I have not seen the *Munster* Minister, but the *Dutch* Ambassadors tell me, that Bishop threatens to leave the Party, if they should offer to refuse the Cessation.

HERE is none with Character from the House of *Brunswick* in Town; I was with M. *de los Balbases*, though he be in a Cessation already



ready as to *Flanders*, but he denies to come into this for the rest of that Monarchy.

ALL the Parties did speak with great Respect of his Majesty's Care and Zeal for the General Peace, and there was no Body but did acknowledge the proposing of this Cessation, to be a great Instance of it, and that therefore they received the Proposition with all Respect and Veneration for his Majesty. I am, &c.

*L. Jenkins.*

*Nimeguen, 26th August, 1678.*

*Right Honourable SIR,*

THE *Dutch* Ambassadors were pleased to call upon me, as they go off from the Assembly of the Allies, to tell me there was nothing resolved there about the Cessation, tho' it was the only Subject of their Discourse. All they did was, to desire the *Dutch* to come to me, and know what the Resolution of the *French* and *Swedcs* was. I sent the Bishop of *Gurck* Word last Night by his Secretary, whom he had sent to me on Purpose to know what the *French* had answered, they had answered very frankly for the Acceptance, and I gave the *Dutch* Ambassadors the same Account. M. *de los Balbases* came to me, as soon as they were gone, to let me know, he had changed his Opinion, and that he will not pretend or desire to enter into this Cessation, for Fear if he do, the *Dutch* should take a Pretext thence, and change their Ratifications, and so leave them the *Spaniards* in the Lurch; he says absolutely, he'll never sign the Peace, unless the *French* do quit to them the *Chastellanie* of *Aeth* entire. He finds now there are no less than 2 *Villes* and 60 Villages dismembred of it, which are much above the Value of *Beaumont*, &c. that the *French* are willing to quit; so that I know not what to say to this fresh Difficulty. I am, &c.

*L. Jenkins.*

*Nimeguen, 29th August, 1678.*

*Right Honourable SIR,*

I Troubled you on *Monday* with two Letters, one at the usual Hour, the other some Hours later, M. *Beverning* having stopt the Ordinary till after the Conference of the Allies was finished. We have no *English* Letters since come to Hand.

Tho' I have been with the *Swedcs* on *Sunday*, *Monday*, and *Tuesday*, to solicit them all I could to enter into the general Cessation that is here proposed in his Majesty's Name, yet I have not been able to get them to consent to it, nor to give me a categorical Answer; they promised me their Answer yesterday, for they said, they must speak once more with their Allies, before they could come to any Resolution. M. *d'Olivenkrantz* (for I was with him in particular) did argue much against it, partly from the many Difficulties we would have, to adjust the Terms and Conditions of it; partly from the too great length of it, and in that the *French*, he said, as well as they, wanted a Power sufficient to consent to a Cessation of six Months; partly for that it is neither in their Powers, nor in their Instructions, to consent to any such Thing.

I told him, that I desired at this Time no more but their Declaration in the general, that they would accept of a Cessation upon the proposing  
of



of it in his Majesty's Name, which I was confident, no other of the Parties would refuse to do; that when that were done, we should enter immediately upon the adjusting the Conditions, and that among the Conditions, the Term or Time would be a principal One, and then each Party would be heard to debate *pro* and *con* the longer or shorter Term. For their Want of Power, I could not but observe to him, that it is not yet three Weeks since they declared their Acceptance of a Cessation of Arms at the Instance of the *French*; and that if they had Power then, they could not want it, I hop'd, at this Time. Another Thing, he said, that if the Allies should succeed in their Design upon *Rugen*, the *Swedes* should not be able to enter into any Cessation, unless the Allies would dislodge thence; all this past between us on *Tuesday* Morning by Way of Conversation, but he promised I should have his Answer and his Colleagues as yesterday.

I took this Occasion to enter into Discourse with him, as by his Majesty's Command, about their Treaty of Commerce, that is now making with *Holland*. I laid before him the Assurances his Majesty suggests to himself of the Kindness of *Sweden* towards his Subjects in the Point of Trade, and of the good Intentions of that King towards us, rather than any other Nation; as M. *d'Olivenkrantz* himself had often declared it to his Majesty and to his Ministers on that Side.

He acknowledged he had entertained his Majesty, my Lord Treasurer, and yourself, upon that Subject; but that Things have so fallen out since *qu'il avoit à présent les mains liées*, that the *Dutch* had made use of this Pinch to get all they pretended from them, and had pressed them long and hard for equal Privileges to the Subjects of *Holland* with the Natives of *Sweden* in their Ports and Countries; that they, the *Swedes* Ambassadors, had desired the *French* to stand by them, and to dissuade the *Dutch* from pressing such unreasonable Things; that the *French* were so far from doing that, that they pressed them, the *Swedes*, to yield to every Thing the *Dutch* demanded of them, telling them, that otherwise they could not stand by them. That to save themselves from making the *Dutch* equal with the *Swedes*, which would have been intolerable; he fears they will be forced to consent to another Proposition, which is of M. *Beverning's*, that the *Dutch* shall have equal Privileges with any other Nation whatsoever that is in Amity with *Sweden*: *Amicissima quaque gens extra*, are the Words, he says, that M. *Beverning* has couched that Demand in; he says, the Thing is not yet adjusted at the *Hague*, nor do they know the final Resolution of the States upon it; but he did not give me any Hopes, that they, the *Swedes*, would reserve to themselves a Liberty to gratifie the King's Subjects in Point of Trade, tho' he acknowledged very fully, that our Traders bring them much more Advantage than the *Dutch* do, and consequently ought in Justice and Reason to be more encouraged.

ON *Tuesday* Evening the *French* Ambassadors were with the *Dutch*, on the Differences between the *Spaniards* and them; they offered, as the *Dutch* Ambassadors told me, to refer the Differences concerning *Beaumont* and the *Messmois* to the Arbitration and Decision of the States General, and to do it by an Article, the Treaty being concluded and signed as to the rest. For the *Chastellanie* of *Aeth*, they could do nothing without Orders from Court, and they complained that the *Spaniards* had kept this in Deck, without mentioning it when they were upon the Article for the Cession of Places; but in this the *Dutch* do excuse the *Spaniard* from having had any such Design, each Party had couched the Cession

as they pretended it should take Place; but they who mediated, did not observe the Difference.

THE *Dutch* Ambassadors told me upon this Occasion, they had received that Day most pressing Orders from the States, for the doing of their utmost to bring the Peace of *Spain* to a Conclusion, but that they did not know what further to do in it; they have prevailed with the *French* to send an Express to their Court, to have the last Resolution of their King touching the *Chastellanie*, which would come, they said, very late, in Regard there is a Month already pass'd of the Time prefix'd for ratifying their Peace with *France*; M. *Beverning* adding, that he sees some Difficulties arising in several Provinces, and in some Towns, about the Ratifications, that he does not well know what this Business will end in.

ON *Monday* M. *Muller's* Secretary came to my House, to ask an Hour of me, that M. *Schutz*, the Plenipotentiary of the Dukes of *Lunenburgh Zell*, might come and visit me. I sent him Word, I knew of no Plenipotentiary of that Duke but M. *Muller*; that I had heard indeed of M. *Schutz*, that had negotiated here for several Months as Minister of that Duke, but he having not taken Notice of his Majesty's Ambassador all this while, I could not now see him, till I knew his Majesty's Pleasure in the Case: To this the Reply was, that he arrived but on *Sunday* Night from the *Hague*; he confessed indeed M. *Schutz* had been here for some Time, but had not negotiated; that when the Allies were to give in a Protestation against the *Hollanders*, and would have had him to sign it, he excused himself from doing it, as being a private Person, and having no Commission; that he had indeed visited several Ambassadors, but that it was upon the Score of Acquaintance: To this I said, I would humbly take Leave to lay the Case before his Majesty, and wait his Pleasure upon it. Yesterday he sent me his *Plenipouvoir*, saying, the Orders of his Prince were, that there being a Cessation here a Treating, he should concur in it with the rest of the Allies: I excused myself from receiving his Powers, till I have the Honour to know his Majesty's Pleasure upon it.

'Tis certain, that this Person has had the Reputation of being the *Zell* Minister here for several Months; I will not take upon me to say, that his taking a Turn to the *Hague* at this Time, and then his coming to offer me a Visit, and his *Plenipouvoir*, has been done in order to elude our Pretension; but I dare not proceed to receive him, since I see his Majesty is as strict as ever in the Case of *C. de Antoine*; and I would not give him the Advantage to charge us with less Strictness towards others; but if his Majesty should please to order me to receive his Powers, I shall do it, and enter into Business for him; wherein I beseech you to favour me with your Directions in this Case, and in that of M. *Termulen*, which is the same; and if he should take a Turn to his Master, (as he hath pretended he would do) and then come back and offer me his Powers.

JUST now at One, M. *de los Balbases* does me the Favour to come and tell me, the *Dutch* Ambassadors had been with him late last Night, to propose to him a Reference of the Matters in Difference between him and the *French*; that the Arbitrators should be his Majesty, the States General, or any other that he and the *French* could agree upon; that the Decision should be pronounced in 15 Days after the Ratification should come from *Spain*; they insinuated unto him, that if the Judgment were left to the States, it should be pronounced to the Satisfaction of *Spain*. M. *Balbases* having taken Time to consider and speak with his

## 448 *Letters from the Embassy at Nimeguen.*

Collegues, answered the *Dutch* now at Noon, that he would not, as his Orders are, put to a Compromise any Thing that was now between them in Controversy, for that his King would not endure that his Ambassadors here should in any Thing do less, than what by the *French* Conditions should come to be the Share of *Spain*; that the *French* being in Possession of what they pretend to retain of the *Chastellanie* of *Actb*, tho' the Sentence should be in Favour of *Spain*, yet neither the States, nor any other Power, would arm, and take upon them to recover the Possession by Force from the *French*. In fine, he said, he had absolutely refused to submit the *Chastellanie* of *Actb*, or *Beaumont*, to a Reference; the one and the other being clearly to come to *Spain*, even by the *French* Conditions.

Now that it is past Two, M. d'Olivenkrantz comes to me, and having understood, as he said, how I had attempted to come and speak with him and his Colleague, he told me, as he was pleased to phrase it, *qu'il venoit recevoir mes Ordres*: I told him, that this being my Post-Day, I should think my Dispatch very imperfect, unless I were able to inform his Majesty, what Answer he and his Colleague would please to give me upon the General Cessation of Arms; and it was that, and that alone, that made me press so much as I had, to come to the Speech either of him, or his Colleague, or both. All the Answer he gave me was, that M. Oxenstiern and he had designed a Conference with the *French* Ambassadors this Morning upon this Subject, but that they were disappointed, having spoke but with M. d'Acaux alone, the Mareschal having been busy all this Morning with his Son the Marquis, that arrived here last Night out of *France*; and M. Colbert having had about 3 Hours of his Time taken up by the Bishop of *Gurck*, in a Visit he made him this Morning; so that the Time slipped him for the Conference intended with the *Swedish* Ambassadors; that he and his Colleague hoped to be able to give me an Answer to Morrow, and that it should be such, *qu'on venoit par la qu'ils ne s'eloignent pas de bonnes intentions de la Majesté Britannique*: These were his Words; and when I had repeated his Answer, and press'd him with the Reasonableness of the Thing, and the Expectation his Majesty would have of a categorical Answer in so important a Point; he expressed it in another Way, *que leur Response seroit voir qu'ils s'approchent autant qu'il leur est possible aux bonnes intentions de sa Majesté*. What their Answer will prove to be, I know not.

FROM this he fell to a Conjecture of the Occasion of so long a Visit of the Bishop of *Gurck's*; he thought the *French* had not done well to oppose the Alternative of *Friburgh* and *Philipsburgh* to the Emperor; they had done better, said he, had they demanded in one Word the Re-establishment of the *Westphalian* Treaties: He will write to Morrow to the *Swedish* Minister at *Paris*, to try if M. *Pomponne* can be wrought upon to direct the *French* Ambassadors here to quit the Alternative, and to propose no more than the Restoration of the *Westphalian* Treaty.

I perceive by him, he takes it for granted, there will be an Expedient found between the *French* and the *Spaniards* about the *Chastellanie* of *Actb*. I am, &c.

L. Jenkins.

*Nimeguen, 2 d Sept. 1678.*

Right Honourable SIR,

JUST now comes M. de los Balbases, and tells me, that he and his Colleague signed an Article last Night at 11 a Clock to the *French*, whereby

whereby they submit and refer the *Chastellanie* of *Aeth*, the Dependancies of *Dinant*, and the *Messmois*, to the Arbitration of the States General. He did it because *M. de Lyra* sent him an Express yesterday, that *Holland* was resolved to exchange the Ratifications with *France*, and would do it in all Probability on *Wednesday* or *Thursday*, if they the *Spaniards* should delay coming to an Expedient. *M. de Lyra* sent him an Act of the States, whereby they took upon them this Arbitration, and promise to decide it *au plû-tôt*, which he understands is to be before the Peace with *Spain* be signed, and before the Ratifications be exchanged with *France*: He supposeth the Decision of the States will be here in a Week at furthest; then the Peace of *Spain* will without fail be signed in a Day or two after. This being of so great Importance, I thought it my Duty to dispatch towards you the first Moment that I came to know it authentickly. *M. d'Avaux* went to the *Hague* at 4 this Morning; what I have to add besides, shall come by the Ordinary of this Day.

ALL I have to say yet of the Cessation is, that all the Parties have accepted the Thing; the *French* and *Swedes* have declared, they can consent to no longer Term than 6 Weeks; the Allies have been deliberating of the Term in their ordinary Assembly this Afternoon. I am,  
*&c*

*L. Jenkins.*

*Nimeguen, 2 d Sept. 1678.*

*Right Honourable SIR,*

IN my last, which was of the 29<sup>th</sup> past, (since which I have not the Favour of any from you to acknowledge) I gave you an Account of the Answer *M. d'Olivienkrantz* had given me touching the Cessation; next Day he and his Collegue gave me their Answer (or rather read it out of a Paper) to this Effect:

THAT they acknowledged, with all humble Thanks, the great Zeal his Majesty hath for the General Peace, and his good Intentions in commanding a General Cessation to be proposed in order to it. That the King their Master will contribute all that lies on his Part to do, to the End those good Intentions of his Majesty may come to a happy Issue. That they did call to Mind, how they had already (at the Motion of the *French* Ambassadors) given their Consent to a Cessation of 6 Weeks Time, provided the Conditions of it were otherwise receivable; and that they are still ready to enter into a Cessation of 6 Weeks. That they will make Use of the first Conveniency that shall offer itself, to write of this Proposition to their King, and to ask the Powers and Orders necessary to agree a longer Cessation, and that in the *interim* they are ready to treat of the Conditions of this 6 Weeks.

THIS was the Sum of their Paper; they would have left it with me; but I excused myself, and only took Notes; for having learnt that the other Side was preparing a Paper too, I thought it not agreeable to the Rules we formerly set ourselves, to take any such Papers at all; for should I do it, I should not be able to refuse to communicate it, and then the Parties would be engaged in that way of fencing.

ONE Thing they insinuated to me, but it was as it were by the by; that this Cessation of 6 Weeks might be lengthened, if there should be any Appearance of doing any Good by it towards a General Peace: I could not choose but observe to *M. d'Olivienkrantz*, that I had well hoped

## 450 *Letters from the Embassy at Nimeguen.*

they would have approached (as he had the Day before said he would) nearer than this comes to, to his Majesty's Proposition.

I acquainted the *Dutch* Ambassadors immediately with this Answer of the *Swedcs*, but they could not get the Allies to meet upon it till next Morning; and then their Resolution was (when they had met and debated the Thing) to accept the Cessation (as they declared they did it) in the General, and to desire me to draw up Articles that might be proper to fix the Term and the other Conditions.

THIS Resolution and Message the *Dutch* brought me from the Allies. I had the Articles ready (and the *Dutch* Ambassadors had seen them, and were pleased to approve of them) but I told them I could not give them in, I thought, at the Request of one Side alone; but that I must first acquaint the *French* and *Swedcs*, that the Allies were come unanimously to a Resolution of accepting the Cessation, and had made it their Request to me to draw up Articles for it.

WHEN I gave the *French* Ambassadors this Account, (as I did forthwith) they declared again their Acceptance of the Cessation, but could not concur in the Request that had been made to me, to have Articles drawn up, till the Time was first fix'd; their Allies the *Swedcs*, they said, could not accept of a longer Time than 6 Weeks; they, the *French*, must insist to have the Term fix'd, because it is the Desire of the *Swedcs*, otherwise, for their Parts, they are at Liberty to give in to a much longer Term than 6 Weeks. As, on the one Side, they could not depart from their Allies; so, on the other, they would gladly avoid the Odium that would be raised against them, if they should be thought to respite this Proposition of 6 Months, which his Majesty had judged fit to be recommended; and that I did then (and upon all other Occasions do) insist upon. Therefore they desired the Term might be adjusted in the first Place, for without that, the *Swedcs*, they know, would not enter upon the Consideration of any such Conditions; and the Reasons why the *Swedcs* will admit of no longer Term is, least it should prove to their Prejudice; as it will, in case the Attempt upon *Rugen* should succeed. They thought this Term of 6 Weeks would be the easier fix'd, in Regard that they, the *French*, had Intimations from some of the Allies themselves, that they did not desire so long a Term as 6 Months; in fine, they desired I would, in my Report to his Majesty, and in my negotiating this Business with the other Side, do them that Right, as to let his Majesty know, and the Parties too, that it is the Concern of their Allies, and not any Orders they have from Court, that disables them from giving in to a longer Time; the Allies being acquainted with this Difficulty, have had several Meetings about it, but have concluded nothing, referring themselves to a further Debate they intend to have at 5 this Afternoon, in their ordinary Assembly: Only this I find, that the *Imperialists* are willing to accept of 6 Weeks, the *Danes* and *Brandenburgh* will stickle hard to have it longer, and as long as may be, to prevent a Winter War, which is then most active in those Countries: But whatever the Term be that they shall come to agree upon, it will be near the middle of *October* before the Cessation can take Place; for Instance, the Ratification of the Cessation cannot be had out of *Schoonen* in so few as 20 Days to go and come, and so for *Vienna*; but these Ratifications must be exchanged, and the Exchange of them must be certified to *Schoonen* again, before the Cessation can take Place; so here will be little less than 40 Days, before we can come at the Benefit of it, tho' we were agreed upon the Conditions of it at this Instant.

As I was in the middle of this Dispatch, came to me *M. de los Balbases*, and gave me Occasion to write you a very few Lines, that I sent away by an Express at the same Instant, the Duplicate whercof goes herewith: I might and should have added, that besides the Motives that *M. de los Balbases* had from *M. de Lyra*, to come to a Compromise with the *French*, he had had Advice from *Brussels*, that the *Dutch* had left the Town of *Mons* quite naked, having taken 13 Regiments out of it, which went strait (the better Part of them, both Officers and Soldiers) into the *French* Service; this he made a great Aggravation of the *Dutch* abandoning them in all Manner of Ways.

Now at One, the *Dutch* Ambassadors came to communicate to me the Act which goes inclosed, (which is the Article that is mentioned in my Letter by the Express) which was signed last Night between the *French* and the *Spaniards*; they told me, the Order of the States to them was, to press a Submission from both Parties to his Majesty, to the States General, or to both, or to any other they should agree on; the Parties submitted to the States alone, because, say they, there would be much Time lost in sending into *England*; and as the *Spaniards* were resolved to finish their Affair, (if possible) before the *Dutch* and *French* should exchange their Ratifications, so the States have past a Resolution they will not let slip their Day for the Exchange; this last *M. Beverning* said, and repeated with some Emphasis.

THE Way agreed to represent at the *Hague* the Interests of each Party and their Arguments, is by Memorial to the States; their Ambassadors here have perswaded the *Spaniards*, they will give in their Verdict before the Day for exchanging the Ratifications, but there is no Resolution to that Effect; exchange they will, and not lapse the 6 Weeks: *M. de Lyra* gives for the Reason, that *La Province de Hollande le veut qui tyrannise les Autres*. These Ambassadors hope they will likewise within the Time pronounce upon those Questions, and think their Judgment will be in Favour of *Spain*. I am, &c.

*L. Jenkins.*

*Nimeguen, 5th Sept. 1678.*

Right Honourable SIR,

MY last by the Ordinary was on *Monday* the 2<sup>d</sup>, only I took Leave to give you the Trouble of a few Lines, touching the Reference made by the *French* and *Spaniards* to the States General, by an Express that I dispatch'd away immediately, and went hence 5 or 6 Hours before that Ordinary; I have since the Favour of one from you of the 27<sup>th</sup> past, for which I most humbly thank you.

THAT which hath pass'd here since my last, touching the General Cessation, is this: The Allies having understood, that the *Swedes* and the *French* would consent to no longer a Term than 6 Weeks, and that they desired to have that Point agreed in the first Place, and before we entered upon the rest of the Conditions, resolved in their Assembly on *Monday* late at Night,

1<sup>st</sup>, FOR the Term, they would accept of that which his Majesty had proposed, and indefinitely as he had ordered it to be proposed; and the rather, in that they were perswaded that his Majesty foreseeing that one third Part (at least) of the 6 Months would be spent in getting the Cessation established by the Consent of all the Parties, the 4 remaining Months would be but little enough to Treat a Peace of so many Parts.

2. THAT they desired I would let them know, from those that pretended to consent to no more but 6 Weeks Time, when they pretended those 6 Weeks should begin; for if they should begin to run before the Principals do give their Consents respectively to the Cessation, the greater Part, if not all, the Time will run out before the Treators here can be sure that the Cessation will have its Effect.

3. THAT for the adjusting of the Term in the first Place, and before we should meddle with the other Conditions, they were content; but thought it might be a furthering of the Work, if by common Consent a Project were laid before all the Parties, which they might think of while the Term should be treating.

I acquainted the *Swedcs* with this early on *Tuesday*; they gave me no Answer at all, but that the Thing was of Importance, and that they must speak with their Allies, before they could say any Thing to it. I would have engaged them in some Debate of the Thing, but they would not, so that I could do no more but represent to them, that it was then the 16th Day since I had first proposed the Cessation, and that this would be the 4th Ordinary since, by which I was sure his Majesty would expect to be informed, that this Business was brought to a Head; therefore I desired them to come to a Resolution with a Speed proportionable to the Weight of the Thing, and to the Zeal wherewith his Majesty desires to promote the publick Peace.

I went from thence to the *French*, who reserved themselves to speak with their Allies, but they were pleased to be so frank, as to enter provisionally into a Debate of the Points the Allies had resolved, which I could not get the *Swedcs* to do in the least: They said, they would sign the Cessation as soon as could be desired; nay, they would add considerably to the 6 Weeks for their Parts, if the *Swedcs* might be brought to it, and they offered a shorter Way to come at the Cessation than the Allies propose to themselves; for instead of sending to their King, for his Approbation of the Conditions, and the Exchange of that Approbation here, they would oblige themselves, that their King, as soon as he should be advertised from them, that the Cessation was agreed, should send to his Generals to publish and observe it.

AT 6 last Night, the *Swedcs* Ambassadors were pleased to bring me their Answer, but it was a very long Writing, which I excused myself from receiving, taking Notes out of it, and it was to this Effect. That there having been a Talk here of a Cessation in *May* last, they had taken that Occasion to write to the King their Master, and to know his Pleasure, if any such Thing should go on; and that he had given them Liberty to consent to a Cessation for *Germany*; but that that King being then at the Head of his Army, had reserved to himself to do as he should see Cause for any Cessation that should come to be proposed for that Side next the Sea. That in Virtue of the Power they had then given them, they consented to the Cessation that the *French* proposed a Month ago, and do now consent again to that which is proposed by his Majesty's Orders; that they are willing to make up the six Weeks two Months, reckoning from yesterday, but they mean it for *Germany* only, but will write (as soon as the Way is open) to their King to have it general, and to extend everywhere. That they desire the Allies to come to a Resolution before the End of this Week, that they are ready to enter into it, and conclude forthwith, that as soon as the Cessation is agreed here, they will write to *M. de Coningmark*, and he will execute and publish it without any Delay at all, much less Recourse had to the King of *Sweden*; so that all that is to be done on their Part, will have  
its



its full Effect in 6 or 7 Days after it is agreed here, which is the Space requisite to advertize M. *Coningmark*. They pretend further, that having consented to this Cessation a Month ago, they did upon that View, and in Consideration of the State they found Things to be in at that Time, if there happen to arrive any Change in Affairs since, that then Things shall be restored to the State and Condition they were in, when they gave their Consent the first Time.

I could not but observe to them, that this last Condition, as also the limiting the Cessation to *Germany* only, were such as the Allies would never agree to, and gave them the best Reasons I could; their Answer was, that for the extending it beyond the Sea, they could not do it, it was against their Orders; and for the restoring of Changes that should happen, it was as advantageous for the Emperor in Respect of *Strasbourg*, as for them in Respect of *Rugen*.

It was so late when our Conversation ended, that I could have Sight of none of the Ambassadors to speak with them last Night, saving M. *Hengb*, who rejected this Proposition, or rather Answer, with the usual Heat between those two Parties.

THE Bishop of *Gurck* told me this Morning, that the not extending of the Cessation to the other Side of the Sea, would be sure to break this whole Negotiation; the *Dutch* Ambassadors, when I spoke with them about it, were absolutely of the same Opinion, and charged themselves (the *French* and *Spaniards* being to meet this Day at 10 at their House, to go over the Treaty as to the wording of it) to let the *French* know, they look upon the Affair of the Cessation as desperate, unless the *Swed*es could be brought to make the Cessation beyond the *Baltick*, and to desist from their Pretension of restoring Things that have been changed to the State they were in a Month ago.

M. *Blaspiel*, coming from *Cleves* to Town at one, told me, these Propositions of the *Swed*es were not tolerable. I am now going to the *Dutch* Ambassadors, to concert upon what is to be said this Evening at the Assembly; for the *Swed*es, from whom I am come since Noon, will admit of no Manner of Temperament, but they will write to their King, and commit their Letters to his Majesty's Resident in *Denmark*; who may, in a Day or two's Time, learn the Resolution of the King of *Sweden* touching a General Cessation, which they believe their King will not be averse from.

WHAT the Allies will say to this at their Assembly, or what the *Dutch* will say to the proposing of it, I cannot yet tell, so that I must dismiss this Ordinary with this imperfect Information, for the Hour of the Ordinary is at 4, but the Assembly Beginning at 5, does not usually break up when there is Business till after 8.

ON Monday M. *Colbert*, after that my Dispatch was at the Posthouse, and M. *de los Balbaces* and *Christine* yesterday, desired to know of me, how I desired my Colleagues and my self should be mentioned in the Preface of the Treaty between *France* and *Spain*; I gave the one and the other the very same Answer, that neither my Colleagues nor I had the Honour to intervene, or to do any Manner of Service in any Part of that Treaty; that Sir *W. Temple* and myself had answered so and so to the *Dutch* Ambassadors, when they were pleased to make the same civil Overture to us, upon the like Occasion; that I had had no other Orders since, nor knew of any my Colleagues had: That I most humbly desired them I might not be mentioned in their Preface, either collectively, (as M. *Colbert* was pleased to phrase it) without naming any of us, or else by Name in Conjunction with them, for that I had not had

the



## 454 *Letters from the Embassy at Nimeguen.*

the Honour to appear in the least, or to do them any Manner of Service; that I thought this would be the Answer of my Collegues; only I would be sure to advertise them of this Civility, since I did not know of any Orders they had had at the *Hague*, directing we should make any other Answer in this Case, than that Sir *W. Temple* and myself had made to the *Dutch*.

I will not take upon me to inform you of the great Condescension of the Most Christian King, in yielding to the *Spaniards* all the Points in Controversy without Reference or Expedient, the *Dutch* Ambassadors knew it at 8 on *Tuesday* Night, and immediately dispatch'd their Courier to the *Hague* upon it, but did not impart it to me (nor *M. de los Balbases* neither) till yesterday Afternoon; so that the News was at the *Hague*, before I had any more than Glimpses of it from uncertain Notices.

THE Treaty is now translating into *Spanish*, and will be signed *Saturday* or *Sunday* next at furthest. I am, &c.

*L. Jenkins.*

*Nimeguen, 8th Sept. 1678.*

*Right Honourable SIR,*

LAST Night at 10, the *French* and the *Spaniards* signed the Peace at the *Dutch* Ambassadors, in a Room contrived for that Solemnity; two Hours before, the *Dutch* Ambassadors had told me, they were not agreed about the Inclusion of the Emperor; and that it was thought they would not be ready to sign last Night, but it was otherwise, for I had one present that saw them sign; they entred into the Rooms at the same Time, and took their Places, the one Embassy at the one Side, and the other Embassy at the other Side of a Table set in the midst of a Room, and one of the *Dutch* Ambassadors at one End, and the other at the other End of the same Table; there past no Words before the signing, and but a few after it, of ordinary Matters only; the *French* went thither with six or seven Coaches with two Horses a-piece at 9, with about 24 Flambeauxs; the *Spaniards* came a Foot, having but the Way to cross from *M. de los Balbases* to the *Dutch* Ambassadors, the Spectators were most of them of the several Families of the Ambassadors: The Ratifications were not exchanged last Night, nor were they come to Hand from the *Hague* on *Friday* Night late, as *M. Beverning* himself told me, being not well pleased that the Thing was delay'd; for since it is to be done, said he, it should be done *de bonne grace*. He told me then likewise, that the *Spaniards* had insisted, and that very earnestly, to have the Nuncio sign; and that Duplicates of the Treaty should be prepared for that Purpose; but the *French* would not consent, nay refused it with some Warmth: Here is nothing done about the Cessation of Arms, the Allies having had a Meeting yesterday, sent me Word by the *Dutch* Ambassadors, they could not consent to any other than a general Cessation; and therefore they would be content to give the *Swedes* three Weeks to write to their King, to know if he will consent to make it general. When I spoke of this to the *Swedish* Ambassadors, they said they would write, if the *Danes* would give them such Passports as they would like of, and I fear there will be some Difference about those Passports. But the Business is, the *Swedes* do expect, before they come to any Thing effectual, to see what will become of the Isle of *Rugen*; for they say plainly, they will make no Cessation if that be taken.

*M. d'Acoux*

M. *d' Avaux* set out about an Hour ago for the *Hague*. I have laid out with M. *Beverning* for a Copy of the Treaty, and he promised I should have one as soon as they, the *Dutch*, had any; which will not be, he said, till the Couriers are dispatched away with the Originals. I am, &c.

*L. Jenkins.*

*Nimeguen, 9th Sept. 1678.*

Right Honourable SIR,

ON the 5<sup>th</sup> I troubled you by the Ordinary, and yesterday by Express, the Duplicate of that by Express goes herewith inclosed. I have now the Favour of one from you of the 30<sup>th</sup> past to acknowledge.

YESTERDAY M. *de Gurck*, about 2 Hours after the Express was gone, came to me, (upon a Supposal that I would send one upon the signing of the Peace between *France* and *Spain*) and having enlarged, 1<sup>st</sup>, Upon the great Disappointment it is to the Emperor, to be abandon'd by those Allies, for whose Sake he had engaged in the War. 2<sup>dly</sup>, Upon the Danger the Empire is in upon the *Rhine*, and the *Moselle* Side, now that *France*, upon the Peace with *Holland* and *Spain*, will be at full Leisure to pour upon those Parts all the Forces it now hath in the *Netherlands*. 3<sup>dly</sup>, Upon the Obligations the Emperor is under to the Allies of the *North*, and the Religion wherewith he observes them; so that no Prospect of Danger can bring him to make other Peace or Truce without them. 4. Upon the *Swedcs* declining, as they do, to enter into a General Cessation; and upon the *Dane* and *Brandenburghers* refusing to enter into a Cessation for *Germany* alone: I say, the Bishop having enlarged upon these 4 Points, his Conclusion was, that the Operations of the Arms of *France* would be such ere long in the Empire, as would in all Probability change the Face of Affairs there, and would render the General Cessation more difficult, and the General Peace more desperate than now it is, especially as to the Empire.

THIS he desired I would humbly represent to his Majesty, as also that it is in his Power alone to procure to the Empire either a Cessation or a Peace; but they the *Imperialists* do not desire of his Majesty to procure a particular Cessation for the *Imperial* Army on the *Rhine* and the *Moselle* Side, for as they cannot enter into any Cessation without the Consent of their Allies, so the *Brandenburgher* would never hearken to this, since it would but give Leisure to the *French* Forces to conquer his County of *Cleves*, and that of *Fuliers*; nor do they find the *Dane* and the *Brandenburgher* willing to enter into a Cessation for all *Germany*, and leave out *Denmark*, since the *Swedcs* would thereby be at Liberty to do what they can on the other Side of the *Baltick*, and the *Dane* and *Brandenburgh* in the mean while have their Hands tied up, so as to be at Liberty to attempt nothing upon *Rugen* on this Side of that Sea.

NOTWITHSTANDING that they the *Imperialists* can neither ask from his Majesty, nor have from the *French*, a Cessation in Form for the *Imperial* Army alone; yet the Bishop thinks there lies a Temperament before his Majesty, to save the Empire from any fatal Change before a General Cessation can be agreed. 'Tis thus; the Proposition that his Majesty hath ordered to be made, was of a General Cessation for 6 Months; the Allies accepted it as it was proposed; the *Swedcs* are not instructed for a Cessation on the other Side the *Baltick*; and for the Cessation in and for *Germany*, which they are impowered to consent to, they

## 456 *Letters from the Embassy at Nimeguen.*

they will allow but 2 Months, instead of 6, for it ; and they clog it with a Condition never heard of before in a Cessation, that Things be restored, if any Change hath happened, into the Condition they were in when the first Overture of this Cessation, not in his Majesty's Name, but by the *French*, and from the Nuncio, 5 or 6 Weeks ago.

THIS hard Condition, and the Shortness of the Term, was a sufficient Cause, says the Bishop, for the Allies to break off all further Treaties with the *Suedes*, and the *French* who adhere to them ; but they chide, rather than break off, to betake themselves to one Expedient, which was, that the *Suedes* might be applied to by my Offices, to get them to write to their Court for Orders, if it should so please their King, for a General Cessation, and for Directions touching the Restitutions pretended, in case there be any Change happened.

It cannot be hoped, that a Courier can go and return in less than 3 Weeks Time ; and since this Delay is occasioned by the *Suedes* and the *French*, and that his Majesty's Proposition would have had its Effect ere this, had the *Suedes* and *French* concurr'd to it as readily as the Allies did ; the Bishop's most humble Suit to his Majesty is, that he would be pleased to speak effectually to M. *Barillon* on that Subject, and instruct his Ambassador at the *French* Court, that it is not his Majesty's Meaning, that the Emperor having consented to his Proposition, in the same Term that the King had made it, and all the *Accroachments* proceeding (and affectedly too, as the Bishop alledges) from the *Suedes*, and *French* by their adhering to them, that the Emperor, while this Courier that is to go to the King of *Sweden*, is going and returning, will be so pressed on the *Rhine* and the *Moselle* Side, and the Face of Affairs so changed by the pinning of the *French* Hopes in *Flanders* to those upon the *Rhine*, as to render his Majesty's Proposition of no Effect, and consequently the General Peace in a Manner impossible.

HE supposes that *France* finding Cause, as it does, to respect his Majesty's Arms on this Side the Sea, and finding that the Cessation is delayed by its Ally the *Suede*, may be inclined, by his Majesty's powerful Offices, to allow of a kind of an implicit Cessation, and be content not to push on its Advantages for the 3 Weeks, or Month next to come, while the *Accroachments* of the Cessation do lie (as he makes them do) at the Door of the *Suede*, and that nothing can be done on his Majesty's Proposition, till an Answer be had from the King of *Sweden*. He did confess there lay a very great Objection to all this, which was, that the Emperor and the Allies may have, if they please, a Cessation (for that the *Suedes* are content to come to) for all *Germany* ; and that if the *Brandenburger* and the *Dane* refuse it, partly in Pursuance of particular Engagements between them two apart, and partly in View of some Advantages upon *Rugen*, it is scarce to be expected that *France* should let go those Advantages that present themselves to it for the pursuing of its Point. For the Bishop doubts a great Part of that inflexible Temper the *Suede* is in, proceeds from the Encouragement of the *French* ; 'tis true, the *French* tell him, and others too, that they would give a longer Term than 2 Months ; besides, when they talk with him (the Bishop) in particular, they say, there is little to be got in *Germany* besides Blows ; and that which lies fairest for their Conveniency, as being nearest *France*, are all Estates belonging to the Church, and so not capable of being annexed to the Crown. He is sure, he says, that if the *French* did speak to the *Suedes* in good earnest, these last, as they consented to the Evacuating of the Towns, so they would consent, that the Cessation be general in *Schoonen*, *Nerzegg*, and all Places, that the Term be competent till the

End

End of the Year at least, and would not speak of having again, upon the Cessation, what they may have lost within these 5 or 6 Weeks last past.

THIS is the Substance (as far as I am able to recollect myself) of a Conference of above two Hours that I had with the Bishop; his Anxiety for the present State of Affairs in the Empire was visible enough, and his Desires to enter into a General Cessation is very express; but this being impracticable without separating from his Allies, the only Means left to save the Empire from some fatal Change was, (in his Judgment) his Majesty's Mediation in this Conjunction, which either by powerful Offices, or else by the Continuance of the Forces now come over, (this was what he more often used) would not fail to bring about a Thing so reasonable as a kind of a tacit Cessation, leaving Things in the State they are now upon the *Rhine* and upon the *Moselle*, till an Answer can be had from the King of *Sweden*.

LAST Night Messieurs *Heugh* and *Blaspiel* gave me a Visit together, they desired I would humbly represent to his Majesty, with what Forwardness they gave in to this Proposition; that M. *Blaspiel* had done so without Orders from the Elector, and even against that which appeared to be his Interest; yet upon the Deference he saw in all the Allies for his Majesty's Judgment, he had judged it most suitable to the Deference and the Respect the Elector hath for his Majesty, to concur, as he did, with the other Allies; that their Hopes are, that his Majesty, out of his great Equity, when he shall be pleased to consider the Chearfulness of their Side to comply with his Majesty upon this Occasion, and the Delays and Difficulties raised by the adverse Party, he will think it just to favour their Masters, and their Cause, as well by the Countenance of his Arms, as by the Offices of his Mediation: Thus these two Ambassadors. I am, &c.

*L. Jenkins.*

*Nimeguen, 10th Sept. 1678.*

*Right Honourable SIR,*

HEREWITH inclosed goes a Transcript of the new Treaty, signed on *Saturday* last between *France* and *Spain*, it was out of a Copy that M. *Beverning* sent me; I have not had Time so much as to read it over.

ABOUT two Hours ago, the *Dutch* Ambassadors were at the M. d' *Estrades*, and having stayed there about half an Hour, returned Home in a most dismal Rain. I could not choose but conclude they then exchanged their Ratifications. I sent to the Secretary of the *Dutch* Embassy to ask him the Question: He answered at first with some Embarrass, and said, he would go and tell the Ambassadors I had sent to make that Enquiry, but after did not; only answered, *L'Affaire est faite, les Ratifications ont esté Echangées*. This is all the Ground I have to give you this Trouble; and I hasten this News away, in Regard it may be all Day to Morrow before I can get any more Particulars; the Ratifications were not brought to Town till about 3 this Afternoon, but whether they came with any Clog upon them, or any Thing imperfect in them, will not be so soon discovered; only 'tis a Wonder that a Thing that was expected to be done with Solemnity and Bonfires, should be done in the Night, and with so little Noise.

THE *Swedish* Ambassadors are at last content with their Passports, but have desired the *Dutch* Ambassadors, that the Minister of the States

## 458 *Letters from the Embassy at Nimeguen.*

General at *Copenhagen*, might be directed to assist their Courier, and further his Passage into *Schoonen*, they expressly declining the Offices of Sir *John Paul*, tho' M. d'*Olivencrantz* named him some few Days ago (by way of Expedient) for this Purpose. I have pressed them somewhat closely as upon their two Points, the one of making the Cessation but of 6 Weeks, or 2 Months; the other, of demanding to be restored, in case they should lose any Thing since the Cessation was first proposed to them by the *French*; so, upon their refusing to exhibit their Powers to Treat with the *Danish* Ambassadors; and in this I perceive I have not pleased them. M. *Beverning* told me this Day, that he believes the *Imperialists* will separate from their Allies in the *North*, and make up a Peace by themselves; you will find in my last Letters, a very long Account of a Conference I had with the Bishop of *Gurck*; but M. *Beverning* hath been intrusted with a Confidence of another Nature, the *Imperialists* would accept of *Philipsburgh* as the Alternative, and they would afterwards redeem *Friburgh* from the *French*. They have to that Effect offered, by M. *Beverning* going between them and M. *Celbert*, some small Things, but not near an Equivalent. In a Word, M. *Beverning* judges they would willingly give in to any Peace, and M. *de los Balbases*, who had designed to be gone hence immediately upon his signing the Peace of *Spain*, hath resolved to stay here a Fortnight longer than he intended, in order to push on the Peace of the Emperor. I am, &c.

*L. Jenkins.*

*Nimeguen, 12th Sept. 1678.*

Right Honourable SIR,

HAVING given you a large Trouble by the last Ordinary of the 9th Instant, and another next Day by an Express, which brings you the Certainty of the Ratifications between *France* and *Holland*, I have little to charge this Ordinary with, besides the Acknowledgment of the Favour of yours of the 6th, and my very humble Thanks for it.

I hear no more of those Ratifications, by way of Remark in any wise made upon them, nor did either of the Parties give me any formal Notice that the Thing was done; only the *French* Ambassadors being with me yesterday, told me by the by, that they had discoursed to the *Dutch* Ambassadors the Matter they were come to me upon, as they and the *Dutch* were together the Night before, upon the Exchange of their Ratifications; the *Dutch* Ambassadors, when I was with them upon the Occasion that the *French* were come to me, touched by the by only their being with the *French* Ambassadors over Night upon the Exchange of the Ratifications; But indeed their Secretary had told me, when I had sent to him that Night, plain enough, that the Exchange had been made.

THE Business that the *French* came to me upon yesterday was, to tell me they had brought their Allies the *Swedcs*, to consent to a Cessation that shall be General, and extend to *Schoonen*, and all Places whatsoever, and that it should be of 2 Months, to be reckoned from the 1st Day of this Month of *Sept. O. S.*

THAT they pretend, that if any Change had happened either in *Rugen* or *Schoonen*, (for so they explain themselves) since the last Day of *August*, O. S. all Things should be restored into the State and Condition they were in at that Time, other Conditions to be as is usual in all Cessations. That they, the *French*, having Power to consent to a longer Term than 2 Months, would do it, if Occasion were, and their Allies consent. That  
this

this might be agreed and concluded here in a Day or two, and then the *Swedish* Ambassadors might write to their Court for Orders upon the Peace, and for prolonging the Term, if need were; tho' M. *Colbert* seem'd to be of Opinion, that the Treaty must be restrained to a very short Time, otherwise the Parties would but *s'endormir* upon a long one.

WHEN I communicated this to the *Dutch* Ambassadors, as I do every Thing that comes to me touching the Cessation, humbly conceiving it to be his Majesty's Meaning I should do so, for they having entered upon it before me, and having Orders as well as I to do their best in promoting it, we are more likely to do good (if any be to be done) when we are in Concert, than otherwise: When I communicated, I say, to the *Dutch* Ambassadors, what the *French* had left with me, they made the same Objections I had made to the *French*, that the Term of 6 Weeks (for 'tis at this Time no more) was unreasonably short; and the Condition of restoring Things as they were the 1st of *Sept.* was new, and hard of Digestion. They observed further, that the *Swedish* Ambassadors did, by this Overture, intend to get off from that Engagement they had given them, the *Dutch*, to write to their King in *Schoonen*; they, the *Swedens*, having made Use of the Offices of the *Dutch* Ambassadors, to procure them Passports from the *Danes* and the *Imperialists*, and having promised them they would write, if they might have those Passports in a Form they could like of, which Form could not be adjusted (after many goings between them) till *Monday* late at Night.

THE *Dutch* Ambassadors upon this Occasion asked me, if the *Swedens* had been with me, or sent to me, to desire an Address to Sir *John Paul*, and that I should write to him for his Assistance to the Courier that the *Swedens* intended to send to their King. I told them M. *d'Olicenkrantz* had, on *Saturday* last, mentioned it to me as an Expedient, that such a Courier should be addressed to Sir *John Paul*, and that he might be intrusted to go along with the Courier to the King of *Sweden's* Camp, and endeavour his free Passage to and from *Copenhaguen*; that I had thereupon let him know, my Letter to Sir *J. Paul*, and the best Direction I could give, should be ready whenever his Courier was so; but that I had not since heard from M. *d'Olicenkrantz*, nor his Colleague, upon that Subject; nor had they spoken to me on *Sunday* Night, tho' I had been with them about the Passport, and about their Powers to Treat with the *Danes*. Hereupon the *Dutch* Ambassadors told me, how the *Swedens* had applied to them, for an Address to the States Minister at *Copenhaguen*, and that they had refused them; M. *Haren* giving this Reason, that it was not fit to pass by the Minister of the Mediator there, and to make Use of the Minister of one of the Parties, that is not yet got out of the War with *Sweden*.

M. *Beverning*, when he had told me how M. *d'Eftrades* had been with them just before, and had complained to them, how that all the Instances he had used with the *Swedens*, could work nothing upon them, concluded with saying, — *pour reduire ces Messieurs du Nord a la raison il faut que sa Majesté Britannique & Messieurs les Etats prement des Messieurs ensemble pour leur prescrire une paix raisonnable, & apres les obliger à passer par la.* — Citing for a President, what his Majesty and the States had done between *France* and *Spain* in the last War.

JUST now at Noon comes M. *Stradtsman* to me, and begins his Conversation with telling me, how the Emperor his Master had accepted the General Cessation in the Manner it had pleased the King to propose it, and that he was willing to defer himself to the Project of Peace that his

## 460 *Letters from the Embassy at Nimeguen.*

Majesty had in some of his late Treaties made for the Emperor and the Empire, and that he would have all his Reliance upon his Majesty's Mediation.

THAT the Emperor placing so much Confidence in his Majesty's Mediation, as to render himself wholly to those Terms it hath pleased his Majesty to determine, both in Relation to the Cessation of Arms, and to the Peace of the Empire, he did hope the King would give that Vigour to his Mediation, as may be some Support to the Emperor, and those that are left behind in the War; and that he would so order Affairs, that their Adversaries may be inclined to come into the Cessation and Peace that his Majesty hath proposed, and not suffer the Propositions he hath thought fit to make to fall to the Ground without Effect. That what he desired might be represented to his Majesty by me, was the Deference the Emperor hath for his Majesty's Judgment in all Things; that the King having show'd a constant Endeavour, and a great Zeal to make the Peace general, his Majesty knew best what would make his Mediation efficacious; and the Emperor hopes he would use that ingredient, now that the adverse Party would not be otherwise brought to hearken to a reasonable Peace.

He said, that the *M. de Grana* had already spoken to this Effect to his Majesty's Ambassadors at the *Hague*, and that they, the *Imperial* Ambassadors here, had thought this Season proper to witness that Deterrence which the Emperor hath for his Majesty's Judgment, and the Reliance he hath upon the powerful Offices of his Mediation.

FROM this he past to the large Theme of the Cessation, as it is now depending here, and so returned again to his Majesty's vigorous Mediation, saying, it was his Majesty's Force at Sea, and in *Flanders*, that made it *vigorous*; and it would be much more so, if some of his Majesty's Troops were about *Bonn* and *Andernach*, to cover the *Rhine*; but this he advanced by Way of Discourse only, and separate from the Request he had made to me. I am, &c.

*L. Jenkins.*

*Nimeguen, 16th Sept. 1678.*

*Right Honourable SIR,*

MY last was of the 12th Instant; since which, I have the Favour of yours of the 10th, with several Papers in it, that may be of Use for my Government here; for all which, I most humbly thank you.

WE advance nothing in the Cessation, and that proceeds from the different Views that the *Swedes*, the *Danes*, and *Brandenburgher*, have at this Time upon the Isle of *Rugen*; the Allies, in their Assembly on *Thursday*, would by no Means consent to the Overture then made them from the *French* and *Swedes*: The *Dutch* Ambassadors brought me their Answer next Morning; which was,

1<sup>st</sup>, THAT they were still of the Mind to make the *Armistice* general, as far as lay in them; and were therefore glad the *Swedes* were now willing to give into it.

2. THAT the Term of two Months, which was to commence from the 1<sup>st</sup> of *September*, *O. S.* was unreasonably short; however, that they were willing to treat upon that Point, in Hopes the Thing might be comprised, for they did not stand upon 6 Months, nor 5, nor 4, all they desired was a competent Time.

3. THAT

3. THAT the Cessation should have a Retrospect to the 1<sup>st</sup> of *September*, O. S. was a Thing they would consent to by no Manner of Means.

THE Allies likewise desired to know of me, if the *Swedens* had dispatch'd their Courier for *Schoonen*, and if not, that I would procure to the *Danes* and the *Imperialists* their Passports to be return'd them back again. By the Way, they took no Address from me to Sir *John Paul*, nor from the *Dutch* Ambassadors to the States Minister at *Copenhagen*, for the Courier that had been dispatch'd the Day before; as for the Answer of the Allies, in the Matter of the Cessation, the *Dutch* Ambassadors thought, and so did I, that it was better to let it lie till some Accident or other should work it off, rather than that I should carry it to the *French* and *Swedens*, and so give an Occasion to break off the whole Negotiation.

UPON Occasion of the Inflexibleness imputed by most Men to the *Swedens*, M. *Beverning* had the same Notion up again, that I told you of in my last, which was, that his Majesty and the States should agree together to prescribe a Peace in the *North*; the States do agree with his Majesty, said he, in Points of as high Importance as this is, witness their last Answer to his Majesty by Mr. *Hyde*. In this Conversation he told me, the Neutrality of *Cleves* was treating under hand; and that M. *d'Avaux*, after Conference with the Pensioner upon it, had dispatch'd a Courier into *France*, who was to return with an Answer as to Morrow.

THE same Day, M. *Kinski* was with me, to desire me that such a Cessation might be propos'd at a Distance, without naming him or his Collegues, as might commence from that Day forward, it should be agreed and subscribed; and that it might be insinuated, they, the *Imperialists*, would endeavour their utmost to bring their Allies, the *Dane* and the *Brandenburgher*, into it. M. *Stradtzman* the Day before propos'd it a little otherwise, that is, that among the Articles of the Cessation, there should be one to let the *Dane* and the *Brandenburgher* in, if they should offer themselves within a Time limited; but this is certain, (as I told both of them) the *French* and *Swedens* would look upon this as a meer Amusement; for we all know, that the *Dane* and *Brandenburgher* will not come in as long as the Business of *Rugen* is undecided; and if they should once be limited, and not come in by the Time prefix'd, the *Imperialists* would by this Means slip into a Cessation for themselves, and leave the *North* in the War, which would be contrary to what his Majesty hath propos'd to himself; I mean a general Cessation, in Order to a General Peace.

THE Nuncio, it seems, propos'd it, for I did not, to the *French*, and the *French* had a very long Conference yesterday with the *Swedens*, to bring them to declare they would accept of a Cessation to take Place from the Day of the Subscription; but the Marschal told me, they could do no good upon them. So did M. *Colbert* on *Saturday* tell me, they had been very earnest with the *Swedens* a second Time, to give in their Power to treat with *Denmark*, but they could not prevail.

As far as I can penetrate into the State of the Affairs of the *Imperialists*, the Matter of their Peace is near a Conclusion, but their Cessation not so near, for that they cannot bring their Allies into this last. M. *Stradtzman* told me now at 11, the main Difference is about *Friburgh*, they would redeem it with an Equivalent that the Empire should consent to and furnish, but the *French* are excessive in their Demands; they would have the Jurisdiction that was before the War in



compromise between them, and the Empire over the ten Towns in *Alsatia*, now made over to them, or else all the Nobles of *Alsatia* detach'd from the Empire, and made to depend upon *France*, in lieu of *Friburgh*: This, says *M. Stradtzman*, is vastly disproportionable; for that *Friburgh* was worth but little in itself to the Emperor, and will be much less than nothing to the *French*, when the Charges of the Garrison are defray'd; besides, 'tis a Place that cannot be made strong, because of its Situation; and need not be so, because that *Brisack* is sufficient for those Parts; this he hath desired me to insinuate to the *French*. *M. Beccerning* hath been in this Confidence for some Days before me, but hath been able to do no good with the *French*. *M. Stradtzman* is of Opinion, that if his Majesty would please to speak to *M. Barillon*, that the *French* should bring their Demands nearer to an Equivalent, it would be of a very good Effect for the Emperor; other Points of Grievances upon the *Westphalian* Treaties, the Emperor would be willing, he said, to refer to another Time, and to compromise into the King's Hands. *M. Beccerning* told me besides, that the *Swedish* Ambassadors being with him and his Colleague, about their Treaty with *Holland*, desired their Offices in removing the Difficulties between them and the *Spaniards* about the Language of their Treaty, and that they had used some Endeavours, but all hitherto in Vain.

You will observe, I doubt not, from this, that all the Confidences of the *Swedes* run into that Channel; whether it be because their Allies, the *French*, would have it so, and that we should have nothing to do in any other Peace, because we interven'd not in theirs with *Holland* and *Spain*, or because they would make their Court to the *Dutch*, having a Treaty now depending at the *Hague*, or else here, however not finished; and having many Reasons to keep fair with *Holland*, whether the Peace be now to be made, or the War to continue in the *North*.

ONE Thing I am surpriz'd with, that is, *M. Allestree*, who passing by here in his Way for *England*, and waiting last Night upon *M. d'Olivenkrantz*, to pay him his Complements, the Ambassador entred presently into Discourse with him about our Trade in *Sweden*, (which *M. Allestree*, as far as I can judge, understands very well) and having debated over our Grievances, and their Advantages, he told him, the Voyage he had made into *England*, was principally to make a Treaty of Commerce there, but that he met with no Encouragement; that the only Thing he had hoped to gain in Lieu of the Advantages that the *English* should have had in *Sweden* was, to have his Majesty's Help and Assistance in the Treaties at *Nimeguen*, as far as would be consistent with his Office of Mediator. I am, &c.

*L. Jenkins.*

*Nimeguen, 19th Sept. 1678.*

*Right Honourable SIR,*

SINCE my last, which was of the 16th Current, I have the Favour of one from you of the 13th; with several Copies of Answers to the Foreign Ministers now at Court, in Relation to the present Affairs; as also of his Majesty's Letter to the Elector of *Brandenburgh*; for all which I most humbly thank you.

ON Tuesday, I pass'd my Offices, first with the *French* Ambassadors, then with the *Imperialists*, touching the Pressures that his Highness the Elector

Elect<sup>r</sup> *Palatine's* Estates suffer by both Armies at this Time. I moved them,

1<sup>st</sup>, THAT they would contribute what was possible on their Part to come to a General Cessation without further Delay. 2<sup>dly</sup>, That they would stipulate each for other, that the Armies should, upon the Cessation, withdraw wholly out of the Elect<sup>r</sup>'s Country. 3<sup>dly</sup>, That in case we should be so unhappy, as that the Cessation should not forthwith take Place, they would in the *interim*, by Writing, and other Offices in their Power, procure what Ease was practicable to the Elect<sup>r</sup>, especially now the Vintage Time was so near.

As to the 1<sup>st</sup> Point, both Embassies valued themselves sufficiently upon their Readiness to consent to the Cessation, and laid the Blame at the Door of the other Side, appealing to me, &c.

As to the 2<sup>d</sup> Point, the *French* said expressly, that as soon as the Cessation was agreed, the *French* Forces should void the Elect<sup>r</sup>'s Country, but they would not be brought to stipulate that the Emperor's Army should do the like; that what they pretend to stipulate from the *Imperialists* is, that the *Imperial* Troops shall withdraw out of the Territories of *France* into *Alsatia*, &c. out of the Bishoprick of *Strasburgh*, it belonging to an Ally; and shall not take Winter Quarters upon the Elect<sup>r</sup> of *Bavaria*, or the Duke of *Hanover*; they will stipulate for these being Allies, but not for the Elect<sup>r</sup> *Palatine*, leaving him to the Care of the Emperor.

I pressed this 2<sup>d</sup> Point, as the main one, with the *Imperialists*, but they would not be brought to promise any Thing; only that I might be assured of the Emperor's Tendernefs for so great a Prince and Member of the Empire, and of their particular Devotion to the Elect<sup>r</sup> himself.

UPON the 3<sup>d</sup> Article, I had no more but good Words; only M. *Colbert* said, it would be the best Way for the Elect<sup>r</sup> to press on to a speedy Peace.

As to his Majesty's Pleasure upon that great Point of the Guaranty, given me in Charge in your Letter of the 10<sup>th</sup> Current, I begun my Application with M. *Beverning*, (his Collegue being gone for *Friezland*) telling him, that the King having made his Reflexions upon the Usefulness, and indeed Necessity, of a good effectual Guaranty, in order to preserve *Flanders*; as also upon the Engagements he is already entered into with the States upon that very Point, by the 5<sup>th</sup> Article of our Treaty of *July* last; wherein there is a Door left open, or rather, an Invitation given to all Neighbour Princes to enter into the Guaranty; and his Majesty having given me Orders to speak with the Allies here upon it, I desired to know of him, whether the States had yet come to reflect upon the Thing, and the Necessity of it, as his Majesty had done; and consequently, whether he had Orders to speak with any of the Allies upon this Point.

He told me, the States had not yet thought on it, at leastwise had given him no Orders about it; nor did he think they would stir in it at this Time; for the Allies being yet in the War, the States can enter into no such Measures with them. Besides, the *French* would be extremely offended at such a *Demarche*, since they do already take great Exceptions at every little Thing that looks like a counterpointing of them. He thought the States would think the Answer they gave Mr. *Hyde* at his last parting, to be a sufficient Declaration of their Mind, and that there need no more at this Time; but for the High Allies, they have several Treaties with all of them, which do not cease to be in Force upon the going of the *Dutch* out of the War; and in all those Treas-

Treaties, (those with the Elector of *Brandenburgh* excepted) there is either a defensive League for a Term of Years, or else a Guaranty stipulated between the States and the several Allies. He told me, he would look over all the Treaties, and give me some Extract, whereby it may be seen how the Case stands; the Extract you will have by this Ordinary: He concluded, that he thought those Treaties to be *tant amount* to what can be further obtained of the Allies; especially since they are engaged in such a War.

THE next I waited upon was M. *de los Balbaces*; and the Rise I took for my Discourse to him was, the 5<sup>th</sup> Article of our Treaty with *Holland*, and the 31<sup>st</sup> Article of the Treaty between *France* and *Spain*; my Enquiry with him was, whether he had made any Overtures to the *Imperial* Ministers, and those of the Allies, to invite them to enter with his Majesty, and the States, into a Warranty of the *Spanish* Treaty: He told me, he had so little Satisfaction in the Part he had in that Treaty, that he had not yet thought of any such Point. I told him, that that Day being his Post-day for *Spain*, I had thought it not unseasonable to mind him of it, to the End his Court might resolve to direct what was proper to be done here, by way of solliciting the Allies to enter into Measures with his Majesty for an effectual Guaranty of the *Spanish Netherlands*: He was pleased to thank me much for the *item*, and to promise he would write; but said, that Treaty was so little to his Liking, that he had not sent one Copy of it to any Governor or Minister that his King had Abroad, but to the Governor of *Flanders*, and M. *de Lyra* only; and that was the Reason, he said, he had sent me none, nor yet the *Imperialists*, his closest Allies. He said again, he would write to *Spain*, for Orders to solicit this Guaranty; adding, that it was to his Majesty alone they owe it, and to no other, that what is left of the *Netherlands* is saved to them by this Peace; and it is to his Majesty's Protection alone, (he used that Word often) that they must still owe it, if they do keep what yet remains.

HAVING thus sounded M. *Beccrning* and M. *de los Balbaces*, I went next to the *Imperialists*, whether my Orders properly led me; they received with great Respect those Evidences that his Majesty is pleased to give more and more of his Care and Zeal for the Publick Repose, and for the making of it lasting; they were certain, they said, it would be very welcome News to the Emperor, when he should receive this Overture from his Majesty; and they doubted not but the Emperor would comply as fully as could be desired with his Majesty, in entering into any Measures that should be tending to the common Safety: This was the Answer they made, as to their being instructed of the Emperor's Mind in that Point; and for the Offer I made them, to enter into Negotiation with them, they said, they would acquaint the Emperor, and expect his Orders. M. *Stradtsman* assures me now, as I am writing, that they writ about it on *Tuesday*, which was the Day I put it to them.

I have endeavoured to speak with M. *Heugh* and M. *Blaspiel* about this Guaranty; this last hath been out of Town these 4 or 5 Days, and is expected every Moment, but is not yet come; the other I have mis'd, but hope to meet him before the Post goes.

M. *Stradtsman* is gone from me in great Anxiety for the Empire, in that 20,000 *French* are gone over the *Meuse* at *Dinant*; he would fain have me press a particular Cessation between the Empire and *France*. I tell him, 'tis directly against my Orders, which are, to propose a General one, and that of 6 Months too; that for a particular one, or a shorter Term, I would have no Hand in proposing either; tho' it is likely to

me,

me, that they will agree both the one and the other among themselves, unless the *French* will stand off.

I perceive they think the *French* will accept of an Equivalent for *Friburg*, M. *Beverning* having told them, that M. *Colbert's* Answer was, (when he, M. *Beverning*, proposed to him *Colmar* and *Schlechst* for Exchange) that he would write of it to the Court, if he proposed it from the States, or but from himself; yet M. *Colbert* told me, they have no Orders to accept of any Equivalent, but that they must stand upon their Alternative of *April* last, only that if an Equivalent that were reasonable were offered them, (as they do not reckon those two Towns to be so) they would not refuse to write to their King.

I passed yesterday an Office for the Prince of *Salme* with M. *Cannon*, the Matter is, the House of *Lorain* and that Prince have the County of *Salme* divided between them, only the Prince's half is erected into a Principality; the last Duke of *Lorain* did, by Reason of Quartering and other Encroachments, keep no very good Neighbourhood with the Prince; the Prince would have this Duke give him some kind of Caution and Declaration in the General Treaty against those Grievances for the future. M. *Cannon* says, the present Duke will give him no Grievances, and those his Uncle gave the Prince, is no sufficient Ground to demand Caution from him; and if he do wrong the Prince, his Recourse ought to be to the ordinary Justice of the Empire. M. *Cannon* professeth much Service for the Prince of *Salme*, and says, 'tis for the Prince's Service to stay till the Duke be restored; if he begins thus uneasily with him, he will have much the worse of their Tenancy in common. I am, &c.

*L. Jenkins.*

*Nimeguen, 23 d Sept. 1678.*

*Right Honourable SIR,*

I Have since my last, which was of the 19<sup>th</sup> Current, the Favour of one from you of the 17<sup>th</sup> to acknowledge, and humbly thank you for it.

I gave you an Account in my last, of what the *Dutch, French, Spaniard*, and the *Imperialists*, had answered me about the Guaranty. I spoke to M. *Heugh* of it on *Thursday* last; his Answer was, that the King his Master will have but very distant Thoughts of this Guaranty at this Time, since he hath no nearer Prospect to get out of the War; that he and others that were left by their Allies, have no Reason to desire to see those Peaces warranted that have been made separately, and in Defiance of so many Engagements; he thought the Peace of *Spain* may yet chance to miss of ratifying; however, he promised to write with the first, of the Overture, and Offer I made to enter into Negotiation with him upon this Subject.

I could not speak with M. *Blaspiel* (who hath been out of Town) till late last Night. His Answer was, that the Elector his Master had of a long Time had his Thoughts upon the securing of the Peace (when it should please God to send it) by a good firm Guaranty; and that he and his Colleague, upon their first coming hither, were in Part instructed how to enter into it; but that Things being since much changed, and the Elector being at this Time engaged in the War, all that he, the Ambassador, could for the present do, was to write to his Highness, and to know his Pleasure upon the Overture I had made, of my being in a Rea-

## 466 *Letters from the Embassy at Nimeguen.*

diness to enter into Negotiation with him upon that Point. I moved him upon the General Cessation too; his Answer was, that they, the *Northern Allies*, would have little Difficulty, he thought, to enter into it on their Parts, but that he despaired of seeing the *Swedcs* brought into it, the *Swedish* Minister at the *French* Court having beseeched that King not to consent to it, as being a Thing that would be the absolute Ruin of *Sweden* at this Time. He spoke much of the Moderation in general that the Elector would be brought to; he does not flatter himself, he says, with the Hopes of retaining all he hath conquered, yet he hopes no body can think reasonable, that the *Swedcs*, who have without any Ground begun a War upon the Elector, should be restored again to all, and not leave some of their Fleece behind them. He had Letters from the Elector himself, being landed with all his Foot, and half his Horse, in the Isle of *Rugen*, with the Loss of two Men only, the *Swedcs* retreating before him; when the Letters came away, the *Danes* were landed too, with the Loss of about 60 Men.

THIS Descent succeeding, (tho' we have yet no more of it but their very landing on the 13<sup>th</sup>) makes every body conclude the *Swedcs* will come to no Cessation; and that the *Imperialists* will (if they can possible) come to a particular one with the *French*, the Motion of M. de *Luxemburgh's* Army threatening the Empire very much, if a Cessation did not put a Stop to him.

M. *Beverning* told me on *Saturday*, that the *French* Ambassadors have affirmed to him very seriously, that their Orders are, to bring all Facility on their Parts towards a General Cessation, and consequently a General Peace, but they must not separate from their Allies the *Swedcs*. On the other Side, there is a *Swedish* Minister at the *Hague*, (I suppose he means M. *Silvercroon*) that says, the *Swedcs* would hearken to Reason, and make their Way to get out of the War, but the *French* do underhand bear them up in their present Stiffness.

M. *Ducker* was with me yesterday in the Evening, to tell me, that the particular Cessation between *France* and the Empire, (excluding the *Northern Allies*) was upon the Point agreed on; that the *French* insisted highly to have Prince *William* of *Furstemburgh* set at Liberty, or else sequestred; that the *Imperialists* must come to it, if they have a Mind to the Cessation, for the *French* will stand upon it finally: His Request to me was, that since this Cessation (which, he said, would not be above two Months) would bring on the Affairs of the Princes of the Empire to be Treated, his Admission (as a Minister qualified) might be pressed at this Time, as a Preliminary necessary to be settled. He desired his Majesty might be informed of this, that he may please, if he think fit, to challenge Prince *William* from the Emperor, to be sequestred into his Hands: But sure if there be any Sequestration agreed, it will be into the Hands of the Pope, since their Cessation is promoted by the Nuncio, and is limited to those only he mediates between.

THO' M. *Ducker* was exceeding confident this Cessation for the Empire was as good as agreed, and that the *Swedcs* would acquiesce in it, yet I was advertised late last Night from a good Hand, that the Negotiation about a separate Cessation was broke off, and that the Nuncio had resolved to meddle in it no more. However, it is to me not improbable, that the *Imperialists*, as the Case stands with them, will give in to any Cessation; and if so, I cannot but reckon the Peace, that is afterwards to be Treated between the Emperor and *France*, to be a separate Peace, and such a one as his Majesty would not intervene in, as long as the *Northern Allies* do stand off, and refuse to Treat, and cry out against the

the *Imperialists* for not keeping to their Obligations, which are (they say) stricter against a separate Cessation than a separate Peace. Besides, it is visible, that the Nuncio, M. *de los Balbases*, and M. *Beverning*, have hitherto had all the Confidences of the *Imperialists*, both as to the Cessation, and as to the Alternatives upon which the Peace is to be made, tho' I have taken several Occasions to let them know his Majesty's precise Orders to us here (of the 13<sup>th</sup> of *August* last) by all Means to embrace the Opportunities offered us, of taking Care of the Interests of the Emperor; and to embrace with all Readiness whatever Offers his Ambassadors have made, or shall make to us, to that Purpose.

BEING gone thus far in my Dispatch, I have three Visits one upon another; the first is from M. *Balbases*, who came to return me Thanks for my Overture about the Guaranty, and to ask me in what Form his Majesty intended it should be drawn up, as also to desire that Care might be had, that the Treaty of Guaranty which his Majesty shall enter into with the States General, do derogate in nothing from that defensive Alliance which is now in Force between the Crown of *Spain* and the States, and that they should be bound to stipulate their Quota for the Defence of *Flanders*, in the Manner and Form agreed on in that Treaty, which was made in the Beginning of this Year, notwithstanding any new Stipulation and Agreements between his Majesty and them for the same Ends, which new ones are likewise to have their Place and Effects: Another Thing he desired was, that when his Majesty and the States should enter into the Guaranty, there might be a Door left open for the Emperor to come in, and that he might be invited by Name in their Treaty to enter into it.

As to the Question, my Answer was, that for the Forms of Guaranty, there was choice enough in the World; that I did not yet know, which of them his Majesty would have propounded; that I never heard of any Exception taken to the Form wherewith the Treaty of *Aix* was warranted; but that I thought his Majesty would, in the Matter of Form, have a special Regard to any one that should be propounded in the Behalf of the Catholick King, who hath far the greatest Interest in the Validity of it.

M. *Stradtzman* gave me a minute Account of what the *French* demanded of the Nuncio, relating to the Cessation: They would know first, what Princes would enter it? 2. They would have the *Swedes* taken in. 3. They would have the Places for the Retreat of the Armies specified. 4. They would have Prince *William* set at Liberty, or at least sequestred. 5. They would have particular Measures taken about the Isle of *Rugen*.

THAT they, the *Imperialists*, had answered the same Day, (*Saturday*) that it was their meaning, that all their Allies should enter into the Cessation; and that they intended not to exclude the *Swedes*; that they would endeavour to come to a Temperament about the Retreat of the Armies; as to the Isle of *Rugen*, the Liberty of Prince *William*, and the Admission of the Bishop of *Strasburgh's* Minister, they did not belong in any wise to the Treaty of a Cessation, but to the Treaty of Peace: Upon this the *Imperialists* expected a Reply from the Nuncio, but had had none; I having put since yesterday was seven-night a Project of several Articles for a general Truce and Cessation into the Hands of the several Parties here, as well of the one Side as of the other; the *French* Ambassadors were pleased to bring me their Answer upon it this Afternoon, and to tell me, they agree to all the Articles I had offered them, those only excepted, which I had calculated for a Truce of six Months, since they intended it only for

two. I have not Time to read over their Answer, much less to send you a Copy of it by this Ordinary, they desire I should keep it in my Hands, till I have the Answer of the Allies of the other Side, with whom I had likewise lodged my Project, and to that Effect I am now going to solicit them.

THE *French* Ambassadors made it to me as a great Argument of the King their Master's Sincerity and Desire of a general Peace, in that he brings all the Ease possible to a Cessation, at a Time he might promise to himself great Advantages by his Superiority over the Emperor. I am, &c.

L. Jenkins.

*Nimeguen, 26th Sept. 1678.*

Right Honourable SIR,

I Have not any from you to acknowledge since my last, which was of the 23<sup>d</sup> Current, nor have we made any Progress since (not openly at least) towards the Cessation.

I take leave to enclose herewith, the Answer I mention'd in my last, that the *French* put on *Thursday* into my Hands: When I acquainted the *Imperialists* I was possess'd of it, all they said was, they would advise with their Allies; M. *Stradtsman* was with me very late last Night, to tell me, they had done it, and to shew me the rough Draught of the Answer they intended, on their Part, to lodge with me some Time this Day. I cannot perceive by their Draught, there will be any considerable Difference between them, as far as those Answers are applicable to the general Project I gave in between them.

1<sup>st</sup>, FOR the Term, the *Imperialists* will demand that the Cessation hold till *New-Years Tide, N. S.* the *French* will give two Months, so there is but three Weeks in Difference between them. 2. The Quartering of Armies, as 'tis propos'd in their several Answers, hath a considerable Difference in it, but such as I think may be reconciled, if both Parties be in earnest. 3<sup>dly</sup>, That which concerns the Dukes of *Bavaria* and *Hanover*, and the Prince of *Furstenburgh*, as you'll find them to be Matters that, strictly speaking, are foreign to a Cessation, and belong properly to the Treaty of Peace; so they will be of very hard Digestion to the *Imperialists*, for neither *Bavaria* nor *Hanover* were ever quarter'd upon since the War, nor is it now intended, nor almost possible to be; and for the Prince of *Furstenburgh*, all will be done for him, says M. *Stradtsman*, that he can promise to himself, or desire in the Treaty of Peace, when it comes to be finished, provided it be asked in a decent Manner, either at the Intercession of the King our Master, or upon his own Submission, nay, if it must be so, upon the Requisition even of the Most Christian King.

BUT the *Imperialists* must, I suppose, yield all those Points, or else must resolve to be without a Cessation; for the *French* pretending to have asserted in the Treaty of *Munster*, that Right which the Princes of the Empire have to make foreign Alliances, they will not let go that Hold in this Case of the Bishop of *Strasburgh*, but will carry him through as their Ally: They have contended for him all along; and when Things are much nearer a Ballance than now they are, M. *Ducker* will not be wanting to solicit them.

M. *Blaspiel*, when I acquainted him with my being in Possession of the *French* Answer to my Project, and that his was expected; he told me,  
I should



I should have his Answer in a Day or two ; but M. *Heugh* saw nothing, he said, to be answer'd in the Case, in Regard that neither the length of the Cessation, nor the Time it should begin upon, nor yet the Places it was to reach to, (which are the most essential Points) were agreed between the Parties ; 'tis a Peace they desired, he said, and not a Cessation.

~~T~~HE *French* Ambassadors told me on *Monday*, they had spent all that Morning in perswading their Allies, the *Suedes*, to give into the Cessation, and to put in an Answer to the Project for it ; that with much ado, they had brought them to promise they would do it ; but M. *Colbert* told me the next Day, they were resolved to expect an Answer by the Courier, they sent this Day sevensnight towards the King their Master, and would not put in any Answer.

It is now above a Month (for it was the 15<sup>th</sup> of *August*) that I first proposed this Cessation, and I have solicited it ever since with all the Earnestness I could ; the Nuncio had proposed it three Weeks before, yet it is no nearer a Conclusion, than that the Answer of the *French* is ready, and that of the *Imperialists* will be so this Day or to Morrow at furthest. I do not expect any Answer in Writing from the *Northern* Parties, the *Imperialists* will give in an Article for them to come in, and to be comprehended in the Cessation, if they offer themselves within a set Time ; it would be hard to refuse such an Article, but it is not unlike to stick with some of them.

If they, the *Northern* Parties, should enter into the Cessation, it is so short a one, that it is not likely they would make up the Peace of the *North* in it ; so distant hitherto are the Parties : for the *Suedes* pretend to be restored to all ; and so unprepar'd is the Matter, that there is not so much as a Project thought on between them ; and if a Project were drawn up, it is scarce to be thought they would agree it, without sending again and again to their Courts ; this I say, in Case they be left to themselves, and they are like to be so, for ought I know, for *France* will hardly suffer the Law to be given to its Ally, and these States are not like to meddle in it any further than *France* will think fit to allow them.

FOR the Peace of the Empire, it doth not seem to be so far off, if *France* be in earnest ; and yet M. *de los Balbases* told me on *Tuesday*, that the Emperor will never submit to the alternative, because of the Manner it is prescribed in, and that is the Reason they are labouring underhand to get *France* to accept of some Equivalent instead of *Friburgh* ; for that being done, the Treaty would have the Appearance of a Thing negotiated, and not imposed. For the Management of this, they had once made use of M. *Beverning*, but he tells me now, they have not made use of, or come at him of a good while, having made use of M. *de los Balbases*.

ANOTHER Thing he told me, speaking of a *Brouillerie* that the Allies have among themselves, so that they no longer meet at their usual Assemblies twice a Week, the Occasion was this : The *Imperialists* brought two Deputies that are come to Town from the Duke of *Newburgh*, into one of their ordinary Meetings, without having first bespoken their Admissions, and produced their Powers.

M. *Beverning*, *Heugh*, and *Blaspiel*, broke up and went their Way, at the Sight of those strange Faces ; and M. *Heugh* hath shewed me a long Apology in Writing for their so doing, with M. *Beverning's* Observation upon this Incident ; but the *Imperialists* take Advantage of it, and come at the Meeting of the Allies no more, thereby finding themselves dispensed with from communicating with their Allies what they  
are



## 470 *Letters from the Embassy at Nimeguen.*

are doing in the Matter of the Cessation and the Peace, and so to have the more Colour to go on by themselves, and separately from their Allies, in the Steps they are now making. But I must do them that Right, as to observe here, that M. *Stradtsman* told me last Night, they had been with the several Allies, to shew them the Answer they had prepared upon my Project, tho' they did not say they had their Concurrence in it.

THE Minister of *Liege* desired my Offices towards the *French*, *Spanish* and *Dutch* Ambassadors, for removing of the *French* and Confederate Armies, that lie both Sides of the *Meuse*, ravaging that Country, and bringing all to Desolation. You will easily imagine, there is no Relief to be had here in such Cases; the *French* answered, 'tis the Fortune of neutral Countries; the *Spaniards* said, that they would withdraw, if the *French* did; the *Dutch*, that their Troops would within a Day or two be drawn away to Garrison *Maestricht*.

I take leave, at the earnest Request of the Prince of *Ligne's* Minister, to inclose here the Article which the *Spaniards* had inserted into their Project, in Favour of that Prince; his Hopes are, that when his Majesty hath the Article laid before him, he will be pleased to speak with the *French* Ambassador on that Side, since the Prince is without remedy otherwise, the whole Article being left out of the Treaty, and the *Spaniards* having yielded the Point, because the *French* would have brought in on their Part an Article touching vast Sums in Arrear, pretended by the Prince of *Conde*.

THE *Hamburg* Minister sent last Night to know of me, if he might come and visit me in the Body of a Deputation that will be here suddenly from the *Hanse* Towns; my Answer was, that if he were named by Name in the Instrument of Deputation; and that he and the rest visited me before any other Ambassadors, I should not Difference him from the rest. I am, &c.

*L. Jenkins.*

*Nimeguen, 30th Sept. 1678.*

Right Honourable SIR,

MY last was of the 26th Current; since which, I have the Favour of one from you of the 24th to acknowledge, and do humbly thank you for it.

YOU are pleased to let me know his Majesty's Pleasure, that I should leave the *Hamburg* Minister and his Business where it is. I have, as you'll find by my last, accepted an Offer he caused to be made me; I do hope it is not against his Majesty's meaning, for I reckon that the Deputation of *Hanse* Towns will be in our common Instrument; and if the *Hamburg* Minister be named in it, his former Deputation from his own City, I take to be void, as M. *Termulen's* is; and upon that Account, I shall make no Difficulty to receive him, if he gives the first Visit to his Majesty's Minister, coming from a new Minister (the Bishop of *Paderburne*); but I beseech you, SIR, if I be out in this Notion, to rectify me with the soonest possible, for I am in Hopes, your Orders may yet come to Hand afore these Ministers come to Town.

M. *Beverning* told me on *Friday*, and last Night too, that there is nothing of late done between him and the *Swedes*, in Order to conclude that Peace; that there were some Differences between them in the Point of Commerce, and those of *Amsterdam* have started since new ones; that there are some Things to be excepted against in their very Pro-

Project for the Peace. But the Peace goes on no further, out of a Regard for the Interests of the Elector of *Brandenburgh*; for the States would bring on his Peace, and finish it at one and the same Time with their own. These Delays the *Swedish* Ambassadors do therefore reflect upon, and complain of, as proceeding from a Design of favouring the Elector; and they give that for a Reason why they cannot conclude their Peace with *Holland*, for that it would be hard to pay for that Peace to the Elector and the *Hollander* too.

M. *Beverning*, to take off this Cause of Offence from the *Swedes*, would have his Masters send him a Power to Treat, and bring Things to an Issue with the *Swedes*; and when that were done, he would not conclude and sign till they saw what would be done for the Elector, who hath, as M. *Beverning* says, given the States a great Power to dispose of his Interests.

As to the Cessation, it would be endless to tell you, what going to and fro we have here, and yet nothing is agreed on. I sent you by my last the Answer of the *French* upon my Project. I send you by this Ordinary, the Answer the *Imperialists* gave me on *Thursday* last upon the same, as also the several Answers that M. *Heugh* gave me on *Friday*, and M. *Blaspici* on *Saturday*, upon the same Subject.

You will find the Answer of the *Imperialists*, as well as of the *French*, to be digested into Articles; and tho' the *Imperialists* have 5 Articles in their Answer of that Nature, that the *French* have nothing like them in theirs; and the *French*, on their Side, have 4 in their Answer, that have nothing like them in that of the *Imperialists*; yet in each of these there may be Temperaments found; and I cannot think the Cessation will break on either Side upon the Account of these, if other Points can be adjusted.

THE Answers of Messieurs *Heugh* and *Blaspici*, you'll find of another Sort; the first demands, that the Cessation be for 6 Months; the other offers it with *France* alone; but when I produced those Answers (which are not so particular in other Points) yesterday to the *French*, they rejected both of them with a great deal of Indignation: M. *Colbert* saying, they would never hearken to any Thing further, when more than 6 Weeks should be spoke of; and that it was in vain to expect, that ever they should so much as think of a separate Suspension, and leave the *Swede*, as he is engaged with the Elector of *Brandenburgh*.

BESIDES these Answers that are thus lodged with me, I have now in my Hands, an Answer from the *Swedish* Ambassadors in Writing; the *French* Ambassadors brought it on *Saturday* from the *Swedes*, who had told me at one Time, that they could say nothing as to the Cessation, till the Couriers they have lately dispatch'd to their King were returned; and at another Time, that they referred themselves to what their Allies the *French* should Treat and conclude for them. However, we have now Propositions from them in Writing, which go along in two Papers as I received them.

THE *French* Ambassadors valued themselves very much to me when they gave them in, upon their having brought the *Swedes* to be content with *Stralsund* and *Gripswald*, and whatever else is in their actual Possession in *Germany* at this Time, without pretending to have *Rugen* restored, or that the Cessation should have a Retrospect, which they insisted formerly upon.

THE *French* gave me the *Swedes* Propositions, with a Desire I would employ my Offices principally with the *Imperialists*, to let them know, that a Cessation was to be had, and the *French* and the *Swedes* would

give into it, either to a General one for all Parts, or a particular one for *Germany* itself; provided that that which remains to the *Swedens* in *Pomerania* be saved to them, for 'tis in great Danger by a Cessation; that all other Points should be accommodated, provided this one were agreed to; that without this, no thought of a Cessation; and to this Effect I was to pass my Offices with the *Dane* and the *Brandenburger* likewise.

WHEN I spoke with the *Imperialists*, they complained heavily of the *French*, 1<sup>st</sup>, For that they did ask them to do a Thing that was not in their Power, to perswade their Allies where they were not to be perswaded. And, 2<sup>dly</sup>, For that this was a going off from that which they had agreed to, at least it was so reported to them by the Nuncio; whereas I have taken Leave to observe to you already, where the principal, I think I may say, the only Confidence of both Sides lies at this Time.

THAT Agreement, it seems, was, there should be a Cessation forthwith concluded between the Emperor and *France*, and that there should be a Door left open for the Parties in the *North* to enter afterwards into it, if they should so desire; and that it was upon this View, and upon this Confidence, that the *Imperialists* had dressed the 8<sup>th</sup> Article of their Answer upon the Project for the Cessation, which you see hath been calculated for that End.

WHEN I spoke with the *Danish* Ambassador, he did not speak much against the Article of the *Swedens* holding what they have in *Pomerania*, but was out of all Patience upon two other Points; the one, that the *Swedens* should expect or pretend he should answer to any Thing they propose, while they refuse to produce their Powers to Treat with him, as they have done hitherto, notwithstanding all the most pressing Instances that the *French*, the *Dutch*, and myself, have used towards them, not to delay that any longer. The other Point was, that the *Swedens* do mention, as you see, the Duke of *Holstein* and his Interests, in their Propositions; for he says the King of *Denmark* will run any Risque, rather than suffer the Concerns of that Prince to be brought upon the Board in this Place; the utmost that the Duke can do, being to refer himself to his Majesty's Mediation, to be interposed in some other Place, not in this Assembly.

I spoke with M. *Blaspiel*, and found him fair enough; I told him, the *Swedens* desired no more but to keep what they have till the Peace can be made; for he said the Elector would never endure to hear of undoing any Thing upon a Cessation, tho' he might upon a Peace: When I press'd him to come to the Cessation without further Delay, and that it should commence from the Day of the Subscription, he was loth to come to that, saying, it was more natural for it to commence, when the Elector his Master should be advised it was concluded here; letting me understand plainly enough, that he was in Hopes *Stralsund* would be in the Elector's Power by that Time.

I must confess, I thought I had an unanswerable Argument to press him and M. *Heugh*, as I did the best I could, to close with the Cessation out of Hand; the Danger to the Empire is so certain, so imminent from the *French* Forces now upon the *Meuse*, that nothing but a sudden Suspension can save it from a fatal Blow in one Place or other, which will utterly disable it from giving that Countenance it does as yet give to the Peace of the Allies in the *North*: On the other Side, the Advantage is but very slender, and not at all certain, which the *Dane* and the *Brandenburger* can promise to themselves by delaying it; for we hear of nothing the Arms of *Denmark* hath in Prospect at this Time, and 'tis not

probable that the Places in *Pomerania* will give themselves up so suddenly to the Elector; *Stralsund* having, as they say, received the *C. Coningsmark*, and *Gripswald* being, as the *Holsteiners* give out, provided for the Winter.

LAST Night the *Imperialists* had a long Conference with *M. Heugh*, where the *Brandenburgher* was also; the Account I have of it this Day from *M. Stradtzman* is, that they, the *Imperialists*, press'd the two other all that was possible, but could not bring them to concur to a present Cessation; the *Dane* would have it long enough to cover them from the Operation of the *Swedens* in *Norway*, when the Post comes; and the *Brandenburgher* would not conclude himself, till he see clearer what is like to become of *Stralsund*.

HAVING now spoken with *M. Heugh*, I do not find the *Imperialists* wrought much upon him last Night in their Conference together, he refers himself to a Communication he is to have this Afternoon with *M. Blaspiel*; from whom he tells me, he hath most positive Orders not to depart or separate, tho' the *Imperialists* and all others should do it: I do not find he would finally reject the *Swedish* Propositions, if they were somewhat tempered; but if the Elector should stand out upon never so unpracticable Pretensions, his King, he says, is resolv'd not to leave him. I cannot yet meet with *M. Blaspiel*, to speak with him. The King of *Denmark* and the Elector of *Brandenburgh* have had no Interview, the contrary Winds having hindered it; and that King hath now given over the further Thoughts of it, and is gone into *Schonen*.

I have adventured upon the Letter that goes inclosed, which *M. Schutz*, the *Zell* and *Wolfenbuttel* Minister, writ to me, he calls it a *Billet*, to enter into Commerce with him, and to receive his Powers; but before I did it, the Baron *Platen*, who is the *Osnaburgh* Minister, came to me, and desired I would also take his Testimony, in Confirmation of what *M. Schutz* had writ, he being assured from his own certain Knowledge, that he had no Character before the Journey he made hence to the *Hague*; and indeed, the Date of his Powers being compared with the Time he went Home, is an Evidence he could not then have the Powers he now produces.

I have inclosed likewise a Letter I have from the Duke of *Luxemburgh*, and my Answer to it; upon which I must beg your further Directions if any Thing be to be done, as I cannot think there is, in his Business.

*L. Jenkins.*

*Nimeguen, 3 d Octob. 1678.*

*Right Honourable SIR,*

SINCE my last, which was the 30<sup>th</sup> past, I have not the Favour of any from you come to Hand.

THO' I have done nothing else ever since but run to and fro between the Parties, in order to reconcile the Differences between them about the Cessation, yet I cannot say that the great Difficulties are in any Way of removing; and for that Reason, the lesser ones are not hitherto accommodated in exprefs Terms.

ONE great Difficulty between the *Imperialists* and *French* is, the first pretend the *French* should withdraw their Troops out of the whole Territory belonging to the City of *Strasburgh*; the *French*, on the other Side, pretend not only to keep the Forts they are possessed of near the

## 474 *Letters from the Embassy at Nimeguen.*

City, (which, according to the common Principle of the Cessation, cannot be denied them) but also so far to continue the Blockade, that no more Provisions or Supplies enter into the Town, than what both Sides shall agree (as it was proposed lately concerning the supplying of *Mons in Hainault*) to be a Proportion requisite for its Subsistence during the Cessation; this last, as it would be hard in itself, so it would give the Elector of *Brandenburgh* a Ground to pretend the same Thing against *Stralsund*.

ANOTHER Difficulty between them is, about Prince *William's* Liberty; the *Imperialists* would have the whole Demand waved for the present, and the rather, in that his Liberty is certain when the Peace is made; besides that, 'tis not a Demand that can properly enter into a Cessation: 'To this the *French* say, 'tis a Preliminary, and ought to have been satisfied three Years ago: But M. *Colbert* told me yesterday, he would come to this Expedient, to accept of a separate Writing under the Hands of the *Imperialists*, that he should be set at Liberty within one Month, and that they might take what Pretext they should think fit for so doing; saying, they would let him go into *England*, at the Requisition of his Majesty. This I carried last Night to the *Imperialists*, but they took Time to deliberate; tho' God knows they ought to be as brief as is possible in their Deliberations, considering the sad Aspect that Things have in the Empire and *Hungary* at this Time.

THE Differences about the Cessation in the *North* lie thus. I am in Hopes to receive some time this Day the Powers of the *Swedish* Ambassadors to Treat with the *Danes*; for I got yesterday from M. *Heugh*, a Declaration in Writing, how far he was ready to satisfy the *Swedes* in their Demand of a full Liberty of Correspondence with their Court; this he did dictate to me with much ado, giving me a Power to communicate it to the *French*, but by no Means to the *Swedes*, till they had given in their Powers, which the *French* gave me Hopes yesterday they would be able to bring me some time this Day.

BESIDES what M. *Heugh* dictated to me, to clear this Preliminary, I take Leave to inclose the Answer that M. *Heugh* makes in a separate Writing, to the several Conditions that the *Swedes* would have inserted into the Cessation, wherein there is nothing (if the one Side and the other will govern themselves by the common Principle of present Possession, that the Cessation is founded upon) that they can differ in; but how M. *Heugh* will be brought to agree the Admission of the *Holstein* Ministers, and the regulating of Quarters in his Country, I do not yet see; he saying it is the bringing of his Head to a Scaffold at *Copenhaguen*, to consent that mention be made of the Ministers or Interests of that Prince (who professeth himself to be no Party to the War) in a Treaty that is only ceasing of Hostilities between those that are in the War.

I send you likewise M. *Blaspiel's* Answer, upon the great Article of disposing of the Armies and the Quarters in *Pomerania*; it hath indeed an odd Turn, but agrees with the common Principle; as to the rest of the Demands of *Sweden*, M. *Blaspiel* will have no Difficulty; only I must observe, that neither he, nor M. *Heugh*, is agreed of the Length that the Cessation is to be of, M. *Heugh* contending earnestly it may be of some Months; but his Allies will probably carry him to consent to the *French* Term, which is to be but 6 Weeks.

I cannot but think that a Treaty underhand is managing by the *Imperialists* for a Peace with *France*. 1. The Auditor hath lately proposed to M. *Colbert*, that an Article might be inserted into the Treaty of Peace, whereby *France* should oblige itself to accept of an Equivalent for *Fri-  
burgh*, such as should be agreed among themselves; or else such as should  
upon

upon an Arbitration be judged reasonable; beside, *M. de Grana* hath founded *M. Beccerning* upon this very Point, tho' tis not likely the *French* will ever come to any Temperament or Exchange; for the Emperor making it a Point of Honour to keep *Philipsburgh*, it is like *France* will think the same of *Friburgh*; for in so doing it will have prescribed the Peace. 2. The *French* Ambassadors do upon all Occasions say, the Peace of *Germany* will be made, and they go hence in two Months Time at furthest. 3. If some such Thing were not in View, I do not see what Business should detain *M. de Grana* in this Place, nor why the *Imperialists* should not push on their Cessation to some Issue, but let it stand as they have done this last Fortnight. But this is no more but my own bare Conjecture; yet if this should be the Issue, there would be a hard Task left upon his Majesty's Hands, which is the Peace of the *North*; the Empire going hand in hand with the *Northern* Allies, is hitherto of great Moment to bring about a tolerable Peace for the *North*; but if they should be once separated, the Peace of the *North* would be in all Probability very unequal, and therefore difficult to bring about. I am, &c.

*L. Jenkins.*

*Nimeguen, 7th Octob. 1678.*

Right Honourable SIR,

THE reading of your two Letters, the one of the 30th past, the other of the 1st Current, could not but fill me with Horror and Amazement: His Majesty's Life, which I beseech Almighty God long to preserve over us, being, as the Scripture says, *the Breath of our Nostrils*, and his Reign all along having been so full of Royal Goodness and Security to those that will be quiet and orderly, and so full of Clemency and Pardon even to those that will not be so, sure they must be Spirits come up from Hell itself, that can enter into such a Conspiracy against his Sacred Person; and I doubt not but that Blessed Providence that hath hitherto watch'd over him, will still continue to do so, to the discovering, defeating, and destroying of all traiterous Designs, their Authors and Abettors.

I found that the News of this Plot flew about this Place as soon as the *English* Letters came in yesterday; and *M. Beccerning* was with me last Night, to know of me what I could say with Certainty of it; I had nothing to say, but that which you had pleased to impart to me in your two Letters. He had heard from *M. Meinders*, (the *incognito* Minister of *Brandenburgh* here) that the Information ran, as if the *French* King and *Don Juan* had been acquainted with the Plot, and that some of his Majesty's Officers would have seized upon a Priest belonging to the *Imperial* Minister there, and had searched for him in the *Spanish* Ambassadors House. However these Things prove to be in Fact, I beseech God to preserve his Majesty, and to direct and enlighten those that labour in the Discovery.

IN my last, which was the 3d Current, I gave you an Account of what then occur'd of the languishing Condition of our Cessation, as 'tis Treated here; since that, on *Friday* the *French* Ambassadors and I had a Conference about their Part in the Cessation, and also concerning their Allies the *Swedens*. Touching their Part, they gave me back the Answer that the *Imperialists* had made upon my Project, having apostill'd it (as you will find it inclosed) in all the Articles where they do dissent,

## 476 *Letters from the Embassy at Nimeguen.*

in the rest accepting it as it lay. The Differences are not material, since the *French* do insist no longer to keep *Strasburgh* block'd up; and since they do not expressly provide that any Restraint be laid upon it, the 6th Article for the Freedom of Commerce on both Sides gives it as fully the Benefits of the Cessation, as any other Place can pretend to. Tho' they will demand the Liberty of Prince *William* by an Article express, yet they are content to wave the stipulating of it by Way of Article, provided the Mediators do give them a Promise in Writing, that it shall be done in a Months Time after the signing of the Cessation.

YOU will please to observe, I doubt not, how the Cessation is to last no longer than six Weeks Time.

ANOTHER Thing, concerning the precise Time the Cessation is to commence upon, is not so clear; the *French* had couch'd it well and full in their first Answer to me in the first Article of all; and there can be no Question made, but that, according to that Project, the Generals are to cease all Hostilities, as soon as they have notice of the signing of the Peace, and forthwith to withdraw the Armies into the Territories of their own respective Masters; now you will find it, in the last Article of the Project inclosed otherwise couch'd; there is no Mention of the withdrawing of the Armies, and 'tis left to the several Ambassadors to take Care (which seems to imply no more but their Offices with the Generals) that Hostilities shall cease before the general Cessation do commence, which is to be 15 Days after signing.

THIS little Variation (if it be such as the *French* will lay hold on) is of vast Consequence; for the Article, as the *French* had couch'd it at first, would have obliged the Armies, as soon as Notice came to them, to cease, tho' they had been never so ready for an Operation; and consequently M. *de Luxemburgh* might from hence, in two Days Time after signing, be stopt in his Attempt against *Fuliers*, or any such Place; but if he have 15 Days after signing left to his Discretion, there may be a great Blow given there, or somewhere else, notwithstanding the Cessation should be agreed on, if we should have any, which I do extremely doubt.

I doubt it, for that the *French* Ambassadors told me plainly in this Conference they would make none, if their Allies, the *Swedens*, do not come in; and then the *Swedens* say, they will not come in, if they may not have *Stralsund*, *Gripswald*, *Damgarten*, and *Tribsees*, secured to them by the Treaty of Cessation, notwithstanding any, or all of them, should be taken even before signing here. Besides, they say the *Swedens* must have full and present Satisfaction in the Points of the Duke of *Gottorp*, and in the Matter of the Liberty for their Letters and Couriers.

THE *Swedens* Ambassadors brought me on *Saturday* their Powers to treat with *Denmark*, and left them in my Hands, but clogg'd with several Conditions to be obtain'd beforehand of M. *Heugh*; the main one was, to have a separate Act put in my Hands for the Liberty of their Couriers and Letters, and this to be done, before we speak further either of Truce or Peace; this M. *Heugh* hath just now granted me, only would have it to be void, in Case the Cessation do not hold: Other Points the *Swedish* Ambassadors would not so much as touch upon in our Conference, till they have the full Satisfaction they pretend in this of their Correspondence.

M. *Cannon* coming to speak with me about the Affair of *Lorain*, (for whom I had the other Day moved the *French* Ambassadors to enter into Negotiation with him, as being a Minister that had all Powers necessary)

he



he tells me, the *French* had received him very coldly, and had answered, they did not know whether the King their Master had not altered his Mind, as to the Alternative he had offered to that Duke in *April* last; for that the Time for accepting, and for the Duke to make his Option in, was long since laps'd; and this M. *Cannon* most humbly desires his Majesty might be informed of. M. *Cannon* being with M. *d'Estrades*, happened to touch a Word of the Cessation; to which the Marechal replied, that the Cessation would hardly obtain, because the *Swedes* were not inclined to it; and as for them, the *French*, they had no need of it.

JOYNING what M. *Stradtsman* tells since this Noon from the Nuncio, you will see what little Hopes there are for the Cessation; for the Nuncio hath received Notice from the *French*, (which he is to impart at 3 this Afternoon to the *Imperialists*) that they intend to have the 15 Days after signing (which I have already mentioned as doubtful) entire for themselves to act in, and yet they will have the *Swedes* to have the Benefit of the Cessation from the Day it is signed, and sooner to, if they have lost any Thing since *Rugen* in *Pomerania*: Yet, if I mistake not, M. *Stradtsman*, M. *Heugh* and *Blaspiel*, with whom I spoke a little before, would bring themselves to endure all this, I mean, to yield all that is asked of either of the Parties, if they were sure that they might have a Truce, tho' but of 6 Weeks, even at this hard Rate.

M. *Beverning* told me last Night, he would this Day propose some Terms of Accommodation and Peace in the Elector of *Brandenburgh's* Behalf to the *Swedes*; and tells them plainly, the States will not finish their Peace with them, if the Elector's be not to be made up at the same Time, and that the States must and will interpose. I am, &c.

L. Jenkins.

*Nimeguen, 10th Octob. 1678.*

Right Honourable SIR,

SINCE my last of the 7th, I have not the Favour of any from you come to Hand. I told you in that, how M. *Beverning* intended to make a Proposition to the *Swedes* Ambassadors in Behalf of the Elector of *Brandenburgh*: On *Tuesday* he gave me a Visit, as he told me he had the same Day to M. *Oxenstiern*, but when he begun to make the Overture, he found M. *Oxenstiern* very shy in the Point, the Orders of their King were, he said, not to receive any Proposition, whereby it should be pretended, that *Sweden* should quit Claim to any Thing it hath lost in this War, *non pas une poulie de terre*, was the Expression: Besides, they had an Eye at this Time upon the Army that is now upon its March out of *Liesland*, and likewise the Operations of the Forces of *France* upon the lower *Rhine*; their Confidence in the Assistance of that Crown being at this Time greater than ever, in that the King of *Sweden* hath received particular Assurances from the Most Christian King, within these 3 Weeks last past, that he will do even more than his Treaties oblige him to, for the Re-establishment of *Sweden*.

M. *Oxenstiern* was desirous to know the Particulars that M. *Beverning* had to propose; but he excused himself, for that he saw plainly the *Swedish* Ambassadors would not enter into any Negotiation with him, and for that he thought the *Swedish* Ambassadors were not ignorant of what the Elector of *Brandenburgh* would be brought too. M. *Beverning* being aware that M. *Meinders* had already opened himself to M. *d'Acaux*



at the *Hague*, and let him know, the Elector would do the same Thing, and all that the States had directed M. *Beccrning* to propose here; and that he acquainting, as 'tis to be presumed he did, his Collegues, the *French* Ambassadors, it was to be supposed the *French* did communicate what came to their Knowledge to the *Swedens*; what there is in the Proposition itself, more than the yielding of *Stetin* to the Elector, I could not perceive by M. *Beccrning's* Discourse upon that Subject.

HE gave M. *Oxenstiern*, upon this Occasion, a gentle Inimutation (that was his Word) of the ancient Confidence, as well as strict Alliance, that is between the States and the Elector, which their Neighbourhood, and their common Interest, would oblige them to have always a strict Regard to; that the States did very much desire, that the *Swedens* and the Elector might return the soonest possible to a mutual good Understanding; and that they would contribute to it whatever should lie in them.

FROM this Discourse of the Peace, they went on to that of a Cessation, which M. *Beccrning* told him, he had Orders from the States to promote as much as should lie in him; it was M. *Beccrning's* Observation to me upon that Part of their Conversation, that it was much to be wished the Peace between *Sweden* and the States were brought to its Perfection; that there were some Difficulties depending, and that there might be more, if not prevented by a speedy Conclusion between them, the States, the *Swedens*, and the Elector; that the *Swedens* will conform to any Thing that the *French* would have in this Matter; their Dependance is such at present upon the Assistance they expect from the *French*, that they for their Parts will not stick upon the Length or the Shortness of the Cessation, nor upon its being general, or limited to certain Places; that they must govern themselves in this, as the *French* should judge most convenient. This M. *Oxenstiern* told M. *Beccrning* in special Confidence, and he told it me as a Thing fit to be laid before his Majesty, but with his most humble Suit, that whatever Use he made of it, his Name may not come in Question.

IN this Conversation, he told me, 'twas somewhat surprizing to his Masters at the *Hague*, that the *French* Ambassadors there should by a Memorial desire the States to void *Maestricht* and *Hafelt*, which is not like to be so soon done, for the States have Reckonings and Pretensions against *Liege*, for which they must be allowed to take their Precautions.

ON *Tuesday*, M. *Colbert* came to tell me, the Cessation between them the *French* and the *Imperialists* was in a good Way; that it was true, they could not yet agree in the Wording of two or three Things, but they were such as neither Party would break upon; that the *Brandenburg* Ambassador (as he had been informed) was content to antedate the Cessation, so as it should commence, as to his Master, the 4<sup>th</sup> or 5<sup>th</sup> of this Month, O. S. the better to secure to *Sweden* the 4 Places in *Pomerania*; that he hoped the Cessation would be agreed notwithstanding all Difficulties, and that he and his Colleague did their utmost to remove all that lay in the Way; that he desired I would labour with the *Imperialists*, to give an Answer in Writing to the *Swedish* Propositions; that for the 15 Days, they, the *French*, do demand between the Subscription and the Cessation of Hostilities, they will shorten them if it be possible, but send to the Generals they dare not, they can but send to their King when the Treaty is subscribed, and 'tis by Orders from him, that the Generals are to cease Hostilities; that he declares to all the World that his King hath no Interest or Intention to continue the War but in Order to the Restitution of *Sweden*; that the Most Christian King would

would be very well satisfied, if *Sweden* did accommodate its Differences, by parting with some of those Things the Allies have got from it; but that he cannot in Honour ask the *Swedes* to do so, since all this Loss is befallen them by their having entered into the Quarrel of *France*. Most of this he was pleased to repeat to me, upon an Occasion I had to be with him last Night, yet the Cessation advances not; M. *Kinski* told me last Night, that there are some Things put to them, in the wording of which they, the *Imperialists*, cannot agree. But I perceive 'twill not be impossible to bring M. *Blaspiel* to antedate (as M. *Colbert* said) the Cessation for his Part, as the *Swedes* do pretend it, for he says the Elector will yet have three Weeks work to take in *Straßburg*.

THE Obstruction between the *Dane* and *Swedes* is this, the *Swedes* will have an A&t from M. *Heugh* put into my Hands, for a free Passage of their Letters and Couriers during this Negotiation of the Peace, and that this be done before they enter into Treaty of the Cessation, or the Powers be changed: M. *Heugh* is content to do it, but with a Declaration, that the A&t is to be of no Force in case the Cessation do not take Place; and this Declaration he would have me attest, and give it him in Writing for his Discharge; this the *Swedes* will not endure, they will have the A&t without any Limitation or Condition, or else none at all; and here they stick.

ONLY there is a new Incident come to Light late last Night, that will yet more hinder their agreeing, it is, that the Courier that the *Swedes* dispatch'd with M. *Heugh*'s Passport towards their King, was detained at *Copenhaguen*, and probably would not be suffered to go on; M. *Colbert* giving me this Alarm late last Night, I went strait to M. *Heugh*, to know what Truth there was in this that M. *Colbert* had had from M. *d'Olivenkrantz*: M. *Heugh* shewed me the Chancellor of *Denmark*'s Letter of the 1<sup>st</sup> of Octob. O. S. to himself, (that Chancellor by the way writes to M. *Heugh* in *French*, and so do all the *Danish* Ministers Abroad the one to the other, and, as I take it, to their King to) he tells me, the Courier of the *Swedish* Ambassadors from *Nimeguen* was arrived; that they stopt him, because the King of *Denmark* was gone over to his Army in *Schoonen*; but that the Courier should be at Liberty to pass over the Morrow after, or the next Day at furthest. When I brought this Answer to M. *d'Olivenkrantz*, he was far from being satisfied with it; for supposing the *Danish* Army in Motion, the Courier might, said he, have been suffered to pass strait to *Maline*, and so he should not have come near the *Danish* Army. Besides, he observed, that the Courier arriving there the 26<sup>th</sup> of *Sept.* and not to go as the Chancellor reckoned till the 31<sup>st</sup>, there was 5 Days Stop put upon him; and consequently the Courier that should have arrived here, (as the *Swedes* compute it) two or three Days hence, is not to be expected now in 8 or 10 Days; and all this while they will be in the dark, as to the Intention or Condition of the King their Master. This moving of the Army was in order to a Battle; if it go for the *Dane*, says M. *d'Olivenkrantz*, there will be no Cessation agreed to by M. *Heugh*; if for the *Swede*, they, the *Swedish* Ambassadors, shall know nothing of it, their Correspondence with their Court will still be stopt.

HAVING writ thus far, the *French* Ambassadors came to my House, and tell me, they have this Day Orders from the King their Master, to give more and more Ease to the Peace, and to the Cessation to; therefore they desired me to inform the *Imperialists*, that he will be content with *Friburgh*, and one League of the Country round about it, and a Way half a League broad from *Friburgh* to *Brisack*, provided *Philipsburgh*

## 480 *Letters from the Embassy at Nimeguen.*

*burgh* be razed, and rendered to the Bishop of *Spire*, never to be fortified again ; but if the Emperor should pretend to keep *Philipsburgh*, the Most Christian King would in that case pretend to keep *Friburgh*, and all the *Brigaw*.

FOR the Cessation, he offers this Facility, that the Emperor withdraw all his Troops the other Side of the *Rhine* ; that his Ambassadors here promise expressly, not to take Quarters in the Lands of the Elector of *Bavaria*, Duke of *Hanover*, and Bishop of *Strasburgh* ; that it may be free for the Most Christian King to lodge his Forces in the higher and lower *Alsatia*, and in all the *Brigaw* ; that these two Points being accorded, all that relates to the Cessation is on their Parts agreed ; that it would be well if the *Imperial* Ambassadors would come to a quick Resolution upon this Subject, and not take Time to write to the Emperor about it ; for that the Operation of the *French* Arms may change Things so, as a sudden Peace may be the readiest Means to prevent greater Inconveniencies. This was the Sum of their Discourse.

THESE Orders seem to be come but this Day ; you will easily see what is new in them as to the Peace ; a Territory, and a Way to *Friburgh*, is indeed natural and necessary, but we never heard of retaining all the *Brigaw* before, in case that the Emperor kept *Philipsburgh* ; as to the *Armistice*, the not naming of *Bavaria* and *Hanover*, was agreed by the *French* ; but to day they say, *Nous ne pouvons nous en dispenser*. The Case is hard, but I doubt it will be much harder before they have done.

HEREWITH inclosed you will receive the Answer of the *Imperialists* to the *Swedish* Conditions of the Truce, as also two Articles, as the *Imperialists* would have them reformed, upon the *French* *Apostils* sent you in my last. Inclosed goes a Clause of a Letter which M. *Blaspeil* sent me on *Saturday*, wherein the *Swedish* Minister in *France* complains, that *England* proposes a Cessation to the Prejudice of *Sweden*. I am, &c.

L. Jenkins.

### P O S T S C R I P T.

JUST as I am signing, the *French* Ambassadors send to desire me not to move or mention any Thing of what they had spoke to me this Day, to the *Imperialists* or any other, till they and I do speak together ; which they sent me Word should be some Time to Morrow.

*Nimeguen*, 14th Octob. 1678.

Right Honourable SIR,

SINCE my last, which was of the 10th, I have the Favour of one of the 7th from you, dated at *Newmarket* ; for which I most humbly thank you.

I told you in the very close of the last, how the *French* Ambassadors had desired me to forbear declaring the Message they had charged me with to the *Imperialists*, till they should speak with me, as M. *Colbert* did late last Night. The Reason was, they had been informed the *Imperialists* would look upon that Proposition as a new Law prescribed them, and consequently would do nothing upon it ; that they had therefore resolved to give in (within a Day or two) a Proposition on their Part to the *French*, and by that Means to prevent that Shame that it would be to them otherwise, to have the Conditions of the Peace imposed

ed on them a second Time: That they, the *French*, having discovered this, were content to let the *Imperialists* take their own Course; and would for a Day or two expect and see what they would be at; therefore they desired me to forbear my Offices upon the Message they, the *French*, had charged me with, till we should talk further.

ON *Saturday* the *Imperialists* delivered me a Proposition of their own; but not in Writing, only I took the Words (as they among themselves did agree them) into my Table-Book; the Words were these: *Que Messieurs les Ambassadeurs de sa Majesté Imperiale ayant toujours tâchez d'apporter de leur côté tout facilite à l'Armistice, comme au moyen le plus propre pour arriver à la paix, sont bien aises de donner encore cette preuve convainquante, que dans cet Armistice leur véritable but n'est autre que la paix; c'est pourquoy ils se déclarent qu'admettans la proposition faite au mois d'Avril dernier par Messieurs les Ambassadeurs de France d'une Alternative, & du Traité de Munster ils sont prêts apres la Conclusion d'un Armistice soit general, soit particulier, d'entrer en Traité sur le pied de la dite Alternative, & du Traité de Munster pour autant qui regarde S. Majesté Imperiale & l'Empire.*

THE *French* Ambassadors found Fault with this Declaration, (when I brought it them, as I did the same Evening) first as too general, then as captious; that 'tis too general, appears, said they, by the Words of it; and 'tis captious too, in that the *Imperialists* pretend to accept of the Proposal of the Alternative, as if it were still free for them to choose which Part should please them best in the Alternative, whereas that Time in which they might, and should have made their Choice, being long since elapsed, they are now to be determined to that which *France* is content to leave them: Upon the whole Matter, they desired me to carry the Message they had charged me with on *Thursday* to the *Imperialists*.

YESTERDAY M. *Colbert* brought it me, but somewhat altered, and gave it me in Writing; it grates the harder, as you will find, (for it goes herewith inclosed) upon the *Imperialists*, in that it says, they have elapsed the Time prefix'd them, and that the Most Christian King might have proposed other Conditions, the first having not been accepted within the Time; as also in that it speaks of his Consent to the demolishing of *Philipsburgh*, in order to content the Princes of the Empire.

THE *Imperialists*, when I delivered them this Message, complained of the *French* having departed from the Cessation, which was in a Manner agreed between them: To this the *French* do answer, that they, for their Parts, are not against a Cessation, but they cannot bring the *Swedes*, who expect great Matters from their Army in *Livonia*, to send, 'tis of no Use between the Empire and *France*, for that the Peace is as soon made (if not sooner) as the Cessation; there being nothing between them but the Difference about *Friburgh*, since the Treaty of *Munster* is agreed of all Hands to be re-established.

M. *Colbert* told me yesterday, that he is perswaded the *Imperialists* are in good earnest for a sudden Peace; and that the Emperor entering into the Peace, the States of *Brunswick*, and the new Bishop of *Munster*, would forthwith relinquish the Pretensions they have by Conquest; so that none, in his Judgment, stand out against the General Peace, but *Brandenburgh* and *Denmark*; he told me, as he had done before, that they, the *French*, had no Interest to continue this War, nor Intention to continue it longer than till *Sweden* be restored; You know what Professions the Ministers of King *Lewis* XIII. made, when the *French* Arms first joined with *Sweden*; and how they were forgot, when it came to the Trial.

## 482 *Letters from the Embassy at Nimeguen.*

M. *Beverning* told me on *Saturday*, that he believes the *French* will not actually void *Maeſtricht*, till the Ratifications between *France* and *Spain* be exchanged; and he allows they have ſome Reason on their Side, for that the States had ordered him and his Collegue, upon the Exchange they had made of their Ratifications with the *French*, to tell them, the States meant, the Treaty of *Spain* ſhould be ratified to in its Time, as in ſome Manner a Part of the *Holland* Treaty; yet, ſaid he, if the Fault of not ratifying ſhould be on the Side of the *Spaniards*, the *French* were not to be blamed for it. We have yet no News of the Ratifications from *Madrid*, and it was yeſterday was 5 Weeks that the Courier went hence for *Spain*.

M. *Beverning* complained of the *French* for ſeveral Things they do at *Maeſtricht*, contrary to fair dealing, to weaken the Place; and fears thoſe and other Things may quickly breed ill Blood; for he obſerves there is a general *Aigreur* againſt that Nation in the Court at the *Hague*, and in the Provinces too, thoſe Trading Towns excepted that cryed out for this Peace.

THE City of *Cologne* hath agreed to pay the Money taken from the *French* in 1673, and is now labouring to get into the Neutrality, which probably 'ere this is accorded; the Electors *Palatine*, *Montz*, and *Triers*, are ſaid to be labouring the ſame Thing; this I take for certain, that they have Miniſters at this Time at the *Hague*, whoſe Buſineſs is, to ſollicit the States to take them by way of Comprehension into the Treaty with *France*; theſe Neutralities and Comprehensions, if they take Place, will infinitely influence the Affairs of the Emperor. I remain, &c.

L. *Jenkins*.

*Nimeguen, 17th Octob. 1678.*

Right Honourable SIR;

HAVING no Letters out of *England* come to Hand ſince my laſt, which was of the 14<sup>th</sup> Current, I have little to trouble you with this Ordinary; for ſince I paſſ'd my Offices on *Sunday* laſt with the *Imperialiſts*, upon the new Overture that the *French* Ambaſſador had put into my Hands, I have not heard one Word from either of thoſe Parties. It is not to be imagined, but that the Emperor hath long ſince inſtructed his Ambaſſadors, of his laſt Mind upon the main Point of that Overture, which is, the razing of *Philipsburgh*, and the yielding of *Friburgh* to the *French*; M. *Beverning* having above a Month ago had Commiſſion from them, to ſound the *French* Ambaſſadors, (by way of Diſcourſe only) whether they would be content, *Philipsburgh* being razed, to render *Friburgh*, being razed alſo, to the Emperor. But if they ſhould happen to be ſo miſinſtructed, that they muſt ſend to *Vienna* now for an Answer, M. *Colbert* did intimate to me on *Sunday*, they, the *French*, could not ſtay ſo long for an Answer, but muſt enter upon other Meaſures.

THAT which moſt probably retards their Answer is, they would firſt ſee whether the Ratifications will be brought from *Spain*, and exchanged with the *French*, the Day after to Morrow is the very laſt Day of the 6 Weeks; and I am credibly told, that they expect there ſhould be ſome Rub in the Matter, the *Imperial* Ambaſſador at *Madrid* being ſaid by them here, to have got ſomething in Writing under the King of *Spain*'s Hand, that he will never ratifie a Treaty ſo prejudicial to the Emperor, and the Union of the Houſe of *Auſtria*, as this between *France* and *Spain* (particularly in the Neutrality to be ſtipulated) was repreſented to that King to be; but this was before the Treaty itſelf arrived, and that Article is much ſmoother than it was at firſt.

BUT

BUT M. *Beverning* will not (as he told me on *Tuesday*) believe it possible there should be any Stop in the ratifying, yet he imputes it to the *French* Caution in providing against such an Incident, (if any should happen) that they do not, nor will not void *Maestricht*, till the Exchange of the Ratifications be over; and he is so much in Expectation of it, that he stays in Town on Purpose to see it dispatch'd; otherwise he would have taken a Turn this Week to his Country-House, it being now his prime Season for Planting.

YOU will please to remember, SIR, I have a Petition depending before his Majesty, to know his Pleasure how far I am to appear or intervene, in case this Peace of the Emperor with *France*, (which still will be a separate one) or else a Cessation, or both, do go on to a Conclusion; you know I cannot sign without one at least of my Collegues, our Commission directing a *Quorum* of two; and whenever we do sign, our Commission of Mediation, (whereof all here have Copies) as well as the Powers of the Parties, must be annexed to the Original Treaties.

I am apt to think if we were a *Quorum* here, we should be declined with some Industry as to the subscribing Part; for in the subscribing, the first Column for the Names would belong to us as Mediators, which would be a clear Decision against the *Imperialists*, in the ceremonial Point between us: Besides, Men that have Pretensions in the Court of *Rome*, as the Bishop of *Gurck* is thought to have, must make their Court on such an Occasion as this; and it will be reckoned a Service, to bring the Nuncio to be Party to this Peace of the Empire, and consequently to recover that Part which the Nuncio mis'd, in not coming into the Treaty when it was signed between *France* and *Spain*.

HOWEVER the Peace do go on or not, I perceive M. *Heugh* is not ill pleased that the Cessation is so like, as now it is, to be quite laid aside; he told me on *Monday* Night, he was altogether passive; or rather, the Extent he gave extorted from him by the *Imperialists*. A Cessation then, when they were hottest upon it, being very prejudicial to them in *Denmark*. When I told him my Wishes, that he would endeavour to get out of the War at one and the same Time with his Allies, and gave him the best Reasons I could for his so doing; he told me, nothing was so like to bring them off in *Denmark*, as a reasonable Proposition to be made by his Majesty; for without it be reasonable, that is, as he explained himself, that they may keep something that they have got, the King his Master will never enter into a Peace with *Sweden*; he'll lose all he hath got, and hazard the rest too, rather than submit to a shameful Treaty, whereby he shall be obliged to give up all; and to tell his King that the House of *Brunswick*, the Bishop of *Munster*, and the Elector of *Brandenburgh* too, will yield up all their Conquests, and leave him to stand the Shock alone, moves him not: M. *Heugh* assuring me, with the greatest Affirmations that could be, his King will never be brought to do the same by Treaty.

I came now at 11 from speaking with M. *Stradtzman*, who tells me no more, but that he and his Collegues will reply in Writing to the Answer (for so it would be understood of the *French* Ambassadors) that I sent you in my last, bearing Date the 23<sup>d</sup> Current, *N. S.* He did not tell me any Thing, tho' I asked him, of the *Spanish* Ratification, whether it be like to come or not, their Letters that came to Hand from *Spain* this Morning being not yet (as he told me) out of Cypher; and they are to expect the less in this Dispatch, for that the *Imperial* Ambassador in that Court was newly dead; he had found M. *Beverning*, he said, in some Pain yesterday about these Ratifications. Mine from Sir *W. Godol-*

## 484 *Letters from the Embassy at Nimeguen.*

*phim* of the 8<sup>th</sup> Current, *N. S.* speaks of the Treaties being sent on the 6<sup>th</sup> from the Escorial, where the Gentleman that brought it had arrived the first, to the Council of State at *Madrid*, to be examined and consulted upon; and that the Opinions, as he heard, were generally against the ratifying of it, at least not without some Alterations.

*M. Stradtsman* tells me, that *M. Beverning* had some few Days ago, (but not in the Name of the States) spoke with the *French* Ambassadors for the comprehending of the Duke of *Neueburgh* in their Peace, according to the 19<sup>th</sup> Article of the Treaty of Peace between *France* and *Holland*; but that the *French* Ambassadors had answered, that the Duke could not be comprehended, because he had not accepted the Conditions of Peace prescribed by *France* before the Time was lapsed, which was the 10<sup>th</sup> of *May*. In this Answer, *M. Beverning* does the less acquiesce, because that the *French* had proposed the Article for those only that had accepted the Conditions of *April*; but that they, the *Dutch*, would not suffer the Clause to stand, it appears yet in the foul Draught to have been struck out; *M. Beverning* was yesterday in Expectation to receive Orders to insist upon the Admission of that Duke, being he hath asked it within the 6 Weeks: This I have from *M. Stradtsman*, who tells me by the Way, that they, the *Imperialists*, enter not at all into this Matter.

BUT I perceive the *Imperialists* are much Imbarrassed what to reply to the *French*, upon their Demand to have *Philipsburgh* razed, and what they, the *French*, should mean by that Clause in their Answer, *au plus lesdits Ambassadeurs de France persistent dans toutes les autres Conditions qu'ils ont cy devant proposées pour les Alliés de la France*, for that may bring in a very large Reckoning, this we shall know upon the Reflexions that the *French* shall have Occasion given them to make upon the Reply of the *Imperialists*. I am, &c.

*L. Jenkins.*

*Nimeguen, 21<sup>st</sup> Octob. 1678.*

Right Honourable SIR,

MY last was of the 17<sup>th</sup> Instant; since which, we have no Letters out of *England* come to Hand.

WE have no more Doings here about the Cessation of Arms, all the Negotiation that is now, at least openly on Foot, is, touching the Peace itself between the *Imperialists* and the *French*; but they are got into the old Way of doing it by elaborate Writings, to be handed from one Side to the other, whereof you'll have two herewith inclosed. The one dated the 19<sup>th</sup> Current, is a Reply of the *Imperialists* to the *French* Memoir of the 23<sup>d</sup>, *N. S.* wherein the *Imperialists* do, but in too clear Terms, except the Conditions proposed by *France* in *April* last.

NEXT, they take it for granted, that the Most Christian King will stand to those Conditions, in Regard, that in the 19<sup>th</sup> Article of the Treaty between *France* and *Holland*, there is a Faculty reserved to the Allies of the States General to accept the Peace at any Time, within 6 Weeks after the Ratifications should be exchanged; and that it must be the Peace offered by *France* in *April* last that is there meant; *France* having never proposed any other to be accepted of, and the Time for accepting what is proposed being not yet lapsed.

HENCE they infer, that they, the *Imperialists*, having accepted the Conditions, the Emperor is at Liberty to take his Choice of the Alternatives proposed; that is, to keep or part with *Philipsburgh* or *Kriburgh*,

as



as he shall think best. But, say they, since the *French* shew a Desire to have *Philipsburgh* demolished, we shall not refuse to treat of that, provided the Emperor be not to part with *Friburgh* and *Philipsburgh* too by the Bargain. They close all, with offering and admitting the Cessation as 'twas proposed by the Mediators.

THIS is the Sum of their Paper, which they would needs leave in my Hands on *Saturday*: I would have declined the receiving of it; nor did I receive it, but to help my Memory; and when I paid my Offices with the *French* the same Evening, I did not leave with them a Copy of it, being desirous to keep the Parties to the Rule established here long since by common Consent, which is, to avoid this formal Kind of Writing as much as is possible.

BUT tho' I did my Office by Word of Mouth with the *French*, the Nuncio did his by leaving with them a Copy of the Memorial itself, and 'to it hath begot another set Writing from the *French*, in Answer to it; the Substance whereof is, That they, the *French* Ambassadors, take it for granted, that the *Imperialists* do, for the Emperor and Empire, agree the Treaties of *Westphalia* are to be re-established in all their Points; and consequently, that they do agree to the Conditions necessary, and such as may be justly demanded of the Emperor, in Order to attain that End.

FOR this being supposed (else let the *Imperialists* please to speak out) the entire Satisfaction of *Sweden*, of the Duke of *Gottorp*, and of the House of *Furstenburgh*, are Things that will necessarily fall in.

THAT as to what concerns *France*, it is content to hold to the Alternative first proposed, tho' the Time to accept it be long since elapsed; and tho' the 19<sup>th</sup> Article of the Treaty of *Holland*, will in no wise serve to prorogue it, *France* will be content with *Friburgh*, and a League round for a Territory, together with a Passage to *Brisack*, in Case the Emperor will raze *Philipsburgh*, and leave it to the Bishoprick of *Spire*; but if the Emperor will needs keep *Philipsburgh*, *France* pretends to retain the whole Province of the *Brisgaw*, together with *Friburgh*, the Capital of it.

THAT as to the Cessation, it cannot be imputed to them, the *French*, that it is not long since agreed; that it is the *Danish* and *Brandenburgh* Ambassadors, have done all they can to hinder it, insomuch that the Courier that went from hence to the King of *Sweden*, was (notwithstanding his Passport) stopt at *Copenhaguen*; that therefore they, the *French*, renew their Instances again, for the free Passage of Letters and Couriers, as a Thing absolutely necessary to the Negotiation here.

I have not yet done my Offices upon this Writing of the *French*, but I intend to do it by Word of Mouth, not only in Regard of the Rule, but in that the Writing (as you will see by the Copy that goes herewith) hath some Words of the *Dane* and the *Brandenburgher*, that might well have been spared.

M. Colbert told me, when he and his Colleague delivered me this Writing last Night, that if there were any Cessation, it would not be above 3 Weeks at most; and therefore that a Motion I made them in Behalf of his Highness the Prince Elector *Palatine*, (which was, to remove the *French* Troops out of his Estates during the Cessation) could not be consented to; for he thought, that neither Side will stir their Troops for so short a while, out of the Places where they shall happen to be when the Cessation comes to them; however, the Ambassador promised to write to Court in the Elector's Behalf, and so likewise for an old Debt, I moved them for their Offices in, towards their Court.

The



## 486 *Letters from the Embassy at Nimeguen.*

The Elector demanding about 600000 Livres, as lent in 1603 and 1608, and 20000 Crowns Arrears of Subsidies, upon a Treaty of Alliance in 1657; by their Undertaking more readily than ordinary to do their Offices upon these two Points, and by their telling me, that Monsieur and Madame would speak, and be very well heard upon them, I guess the Interests of his Electoral Highness are in that Court at this Time more considered, than when I past the like Offices with them heretofore. But when I moved them, the *French* Ambassadors, in Behalf of the Duke of *Newburgh*, for the withdrawing of the *French* Troops out of *Juliers* upon this Ground; that the Duke hath now declared his accepting of the *French* Conditions of *April* last, and hath by his Minister here demanded his Inclusion in the Treaty of *Holland* with *France*, they would not understand he was to be included, till he had given in his Conditions, and that *France* should agree them.

Thus they answered me on *Saturday*, and yesterday too; that M. *de Haren*, who returned hither on *Thursday* Night, told me this Morning, that he hath Orders from his Masters (M. *Beverning* being gone on *Friday* Morning to his House in *Holland*) to reclaim the Duke of *Newburgh* as their Ally, and as such received by them into the Inclusion. To that Effect, he was pleased to shew me this Morning a Declaration he had drawn up, for the taking in of as many of their Allies as had accepted of the Peace.

In this Minute was named not only the Duke of *Newburgh*, but the Emperor and the Empire; and he told me, the *Imperialists* were resolved to lay hold of this Occasion, and to declare to him some Time this Day, their accepting (in the Name and Behalf of the Emperor and the Empire) the Conditions of *France*, and to demand of him consequently an Inclusion for the Emperor and the Empire in the Treaty of *Holland*, by Virtue of the 19th Article: But I came now from a Conference with the *Imperialists* upon the abovementioned Memorial of the *French*, as also about the excusing of his Electoral Highness *Palatine* from Winter Quarters, and they were not pleased to let me know that they intended to lay Hold of this Inclusion, nor to strive to get in at this Time.

M. *Blaspiel* was with me at 11, to give me in a Memorial of his, pretending to have the Duke and Dutchy of *Cleves* comprehended in this Inclusion, and to desire his Majesty's Support in it; and to tell me withal, if the Cessation had been agreed, and that *Stralsund* should have been rendred by it to the *Swede* again, the Elector would have rendred it, (tho' the Ambassadors had no Orders to consent) out of the deep Regard he hath to his Majesty's having caused the Cessation to be proposed in his Name. Inclosed goes a Paper he gave me, whereby it appears, that *Stralsund* is by this Time in the Elector's Hands.

M. *de Haren* told me of very private Orders he hath from his Masters, to demand a Month longer of the *French* Ambassadors for the Exchange of the *Spanish* Ratifications, and that this Demand had very much alarm'd them; their Answer to him, and to me, was, that they would make no Difficulty to exchange upon Pretence that the Time is lapsed, provided they have no Orders in the mean while to the contrary, but that they would not agree aforehand to prolong the Term. M. *de los Balbases* being come to Town last Night, and assuring every Body that the Ratifications will be here in a very few Days, hath mitigated much of the Pain that the *Dutch* (especially) were in, about their Ratifications.

If the *Dutch* can make good their Inclusion, as they now pretend it, we shall be in Possession of a Peace in the Empire, before we are  
aware

aware of it, and in that Case a Cessation would be very proper, for the only Matter then in Deliberation would be (besides the fixing of the Alternative) how to bring the Allies in the *North* to restore *Sweden*; and if it could not be by fair Means, how to order the Passages and other Means, for the recovering of what belongs to that Crown by Force, as in other Cases, where such a fundamental Law as the *Westphalian* Treaties are come to be violated.

JUST as I am signing this Dispatch, the *Lorain* Minister comes to me, to declare, that he accepts of the Alternative proposed by *France* in *April*, this being the last Day, (for the 6 Weeks, since the Exchange of the Ratifications between *France* and *Holland*, will expire to Morrow) he would willingly lay hold of the Advantage too. I am, &c.

*L. Jenkins.*

*Nimeguen, 24th Octob. 1678.*

Right Honourable SIR,

I Have since my last, which was of the 21<sup>st</sup> Current, the Favour of one from you of the 14<sup>th</sup> from *Newmarket* to acknowledge, as I do with all humble Thanks. You will have received in that last of mine, a Memorial of the *French* Ambassadors dated the 30<sup>th</sup> of *October*, *N. S.* which they had given in to me by way of Answer to a Memorial of the *Imperialists*, bearing Date just the Day before.

YESTERDAY in the Evening, they, the *French* Ambassadors, having desired a Conference with me, came to tell me, that by all they were able to gather from the *Demarches* the *Imperialists* now make, there was Reason to believe they were sincere in the Desires they expressed for a Peace; that the last Memorial they, the *French*, had given in, had wrought no ill Effect upon them; and least the *Imperialists* should fancy to themselves, from some Words of that Memorial, (which they confessed to be somewhat general) that there are harder Conditions intended by it, than *France* really means, they were therefore come to explain themselves what it is they pretend to be performed by the Emperor, by way of Condition on his Part, when he shall engage himself to re-establish the Treaties of *Westphalia* in all their Points. His Part therefore shall be no more then,

1. NOT to assist the Enemies of the Crown of *Sweden* either directly or indirectly.

2. NOT to give them any Quarters within the Empire; what they shall take in their own Countries, 'tis not pretended the Emperor (they said) should hinder.

3. THAT the Emperor call back his Troops, that are at this Time employed against *Sweden*.

4. THAT *France* be left still in its entire Liberty to succour all its Allies.

5. THAT the Duke of *Gottorp*, and the House of *Furstemburgh*; be restored, as is already demanded.

6. THAT for the particular Satisfaction of *France*, the Town of *Friburgh*, and the *Comté* belonging unto it, are to remain to *France*; they did not yet know, they said, the Extent of that *Comté*, but they desisted from demanding the whole *Brisgaw*; and they left *Philipsburgh* to the Emperor, not insisting it should be razed.

That as soon as ever these Conditions are agreed to by the *Imperialists*, they, the *French*, will immediately consent to a short Cessation of Arms of about 20 Days; and the only Condition of that Cessation shall be, that all Armies and Forces on both Sides shall remain in the Places they are then possessed of.

THIS

## 488 *Letters from the Embassy at Nimeguen.*

THIS they desired me not to pass any Office upon, nor to speak of, till the *Imperialists* came to me, which, they told me, would be some time this Day, with their Answer upon the *French* Memorial; and then, in case I found them to doubt of the general Terms in the *French* Memorial, I should let them see what Ease they are ready to give them, for the Sake of the Peace.

M. de los Balbaces told me 24 Hours before, that the *French* were come to this Temperament about *Friburgh*, that the *Imperialists* would accept of it; and he and M. Haren, who came to my House last Night, as soon as the *French* were gone, seemed to wonder very much that the *Imperialists* did lose one Minute of Time to close, and declare themselves that they accept the Alternative of *Philipsburgh* as 'tis now explained. M. de los Balbaces is thought to be specially concerned to bring the *Imperialists* to a sudden Close, that he may thereby put an End to the Peace of *Spain*; for he is thought to have at this Time the Ratifications in his own Hands, and that he stays only to see the Peace of the Emperor made up, or at least agreed in the gross, before he do exchange them; to the End, that the Neutrality stipulated from him may give the less Offence to the Emperor: This M. de Haren told me last Night, that M. Colbert is not only perswaded, but says, is certain, that M. de los Balbaces hath the Powers in his Coffers at this Time; and this the *French* Ambassadors knew, by the Intelligence they have out of *Madrid*. Yet M. de los Balbaces was with me last Night, and with M. Haren this Morning, to acquaint us, he had received Letters of the 16th of *October*, N. S. from his King; that the Ratifications should come with the first Convenience possible; and that which hindered the sending of them was, partly because most of the Counsellors were out of the Way when the Treaty was to be consulted upon; and partly, the falling ill of the Gentleman, that should have carried the Treaty back again hither; there being no other to be employed, since his Name was in the Passport: But the Marquis, to my seeming, spoke of these two Incidents so slightly, as if he doubted not but, notwithstanding these Incidents, the Ratifications would be here in a very few Days.

ON *Friday* I received the Visit of 4 Deputies of the *Hanse* Towns, whereof the first was from *Lubeck*, the two next from *Bremen*, and the last from *Hamburg*; but I satisfied myself in speaking aforehand with the *Lubeck* Man, who had been with me in virtue of his first Commission from *Lubeck* upon several Occasions; 1st, That the Towns of *Lubeck*, *Bremen*, and *Hamburg*, have by an ancient Prescription the Direction of the Affairs of the *Hanse* Towns, and have been used to depute their own Members, to act, not from themselves alone, but for the *Hanse* Towns their Associates also. This, besides the Averment of this *Lubeck* Minister, appears evidently enough by the Powers and the Ratifications on the Part of the *Hanse* Towns, that are Printed with the Treaty they made with *France*, May 10. 1655. for thus they begin: *Nos Consules & Senatores Civitatum Lubece, Bremae, & Hamburgi, notum facimus quod Nostro Reliquarumq; Civitatum Hanseaticarum nomine ad Serenissimum Ludovicum XIII. ex corpore Nostro deputavimus & elegimus Legatos N. N.* who are two Secretaries of *Hamburg* only. In the Ratification it is the same, with a — *postquam Serenissimo Ludovico XIII. cum federatis Hanse Civitatibus earumq; nomine specialiter ad id deputatis N. N.* (the two *Hamburgers*) *tractationem quandam instituerunt, idcirco Nos prefati Senatores & Consules nostro Sociarumq; Civitatum nomine rati habemus.*

THE Power of these Men, which goes along, (and the Letter to me) you will find to run *conjunctim & divisim* in the same Stile; the two other Points I had to be satisfied in from him were, that they had laid aside their particular Commissions, and were to act by this Deputation, and no other; and also that they gave me the first Visit in that Quality.

BEING gone thus far, the *Imperial* Ambassadors are pleased to come to a Conference with me upon the last Memorial of the *French*, which lasted me two Hours. What they said was,

1. THAT they will yield *Friburgh* with their Appurtenances, which, they say, are but 3 Villages; but they will have the High-way, as now it is, to be a sufficient Passage to *Brisack*, without assigning a new Way on Purpose and in Sovereignty: Besides, they would reserve to themselves a Liberty to give an Equivalent for *Friburgh*.

2. THEY are content all should be reduced to the Terms of the Peace of *Westphalia*, but where it shall be otherwise provided by this Treaty; and they'll engage to do their best Endeavours, jointly with the *French*, to bring the Parties in the *North* to a Peace upon reasonable Terms.

3. THEY will not refuse to agree to an Article that shall be reciprocal, *for not aiding one another's Enemies*; provided it be pen'd in such Manner, that there be nothing in it contrary to the Dignity of the Office, or the Safety of the Emperor.

4. THAT the Emperor, of his usual Clemency, hath already resolved, that the Business of the House of *Furstemburgh* shall beget no Delay, provided they make the Submission that is suitable to his *Imperial* Majesty.

5. THAT they consent to a Cessation, upon the Terms that are already in a Manner agreed on, and according to the present State of Affairs; the 3<sup>d</sup> Article of that Project, which relates to the Quartering of Armies, being to be left out.

THIS is the Sum of what they had to communicate to me, wherein there is nothing to my seeming, but may be reconciled (with some little Temperaments) to the Pretensions of the *French*: But when I put them to it, to know what they would say to that Demand of the *French*, whereby they pretend to be at Liberty, notwithstanding this Peace, to assist their Allies; they seemed to be unresolved what to answer. All they said was, that if the *French* meant to pass their Forces through the Empire, it could not in that case be called a Peace; but that there were other Ways of assisting the *Swedes*; and unless those were taken, and the Empire left to its Repose, it would be a vain Thing to enter into the Name of a Peace, and remain still in the State of War.

WHAT the *French* will say to this, I shall not be able to tell you by this Ordinary, nor to add any more, but that I am, &c.

*L. Jenkins.*

*Nimeguen, 28th Octob. 1678.*

*Right Honourable SIR,*

I Gave you in my last of the 24<sup>th</sup> Currant, (since which I have the Favour of one from you of the 18<sup>th</sup> to acknowledge) an Account of what the *Imperial* Ambassadors had answered that Day, to a Memorial that the *French* Ambassadors had given in the *Sunday* before.

WHEN I made my Report of that Answer (as I did the same Evening) to the *French*, they replied,

1. THAT they could not desist from demanding *le Comté de Friburgh*; the Villages that were offered them, as all that depended at this Time

upon *Friburgh*, being not a sufficient Dependance for such a Town, they would be content to refer themselves to the Records of the Place, and pretend to no larger Territory than such as shall be found to have belonged to it within the Compass of 30 Years last past.

2. THAT they persisted to demand a High-way from *Friburgh* to *Brisack*, to be assigned to *France* in Sovereignty; which they said would be but a small Matter, (not above an Hour's going) considering how far the Territory of *Friburgh* is intended to reach on the one Side, and how far that Ground which is already annexed to *Brisack* reaches on the other Side.

3. THAT it is not they, the *French*, that first proposed the Cessation, mentioned by the *Imperialists*, nor demanded the short Term of 3 Weeks; but that the one and the other having been proposed by the *Imperialists*, they did not refuse their Consent to it, provided the other Conditions should be first agreed.

4. THAT for the Princes of *Furstemburgh*, they might if they pleased express the Respect they owed to the Emperor, and desire to enter into his good Graces; but they, the *French*, could not consent to any Expression, that should imply either of those Princes to have been in Fault.

5. THAT in order to come to a Point, the *Imperial* Ambassadors should do well to draw up that Article themselves, that they were content to concur in, against *assisting the Enemies the one of the other*, to the End the Conditions may at last be distinctly known that the *French* do demand, and the *Imperialists* are willing to consent to, for the restoring of *Sweden*.

To this Effect was the Reply of the *French* Ambassadors, it was by Word of Mouth only, and they were very calm in it; I do not find there hath any Thing pass'd (saying with the Auditor) between the Parties since. M. *Stradtzman* attributes it (as M. *Haren* told me last Night) to the *French*, that either expect further Orders from their Court, or else better Informations about the pretended *Comté* of *Friburgh*; I say pretended, for the *Imperialists* pretend there is no such *Comté*. M. *Colbert*, on the other Side, told me last Night, he wondered very much the *Imperialists* stood upon such trifling Things, as the Dependancies and the High-way of *Friburgh*, and did not come to some Resolution (the present Conjuncture considered); but if I understood him rightly, he looks upon the Peace as infallible.

YET I cannot comprehend how the Emperor can make it for himself and the Empire, and in it agree to the Liberty the *French* demand of marching and countermarching through the Empire, for the Relief of *Sweden*; unless it be that the Emperor reckons, that the Elector of *Brandenburgh*, the Bishop of *Munster*, and the House of *Brunswick*, will come to any Peace, rather than incur the Hatred of so many Princes that must be undone, while they defend their Conquests; or else the *Swedes* would be content with such Assistance as *France* would afford them by Sea, or with Money, without passing their Forces thro' any Part of the Empire.

BUT M. *d'Esstrades* expressed himself last Night, as if they did not intend to baulk or spare the Empire; and gave that for a Reason, why *France* could not consent to the Inclusion of the Duke of *Nezeburgh*, and other Princes, by the *Hollanders*, in virtue of the 19th Article of their Treaty with *France*; for that they must necessarily pass through their Countries to the Succour of *Sweden*, tho' that be not the only Way they intend to take; for *France* hath now, he says, in the Ports of *Bretagne*, and thereabouts, 40 Men of War, and 20 Fireships, that are to

go in the Spring, as soon as the Weather is open, to joyn the *Swede* in the *Zemdt*. What he will come to, I know not; but M. *Schutz*, the *Lunenburgh* Minister, told me last Night, that the Elector of *Brandenburgh* is labouring at this Time what he can, to bring in the Duke of *Zell* and *Wolfenbuttle*, and the Bishop of *Munster*, into the Treaty agreed between him and the King of *Denmark*; and M. *Schutz* thinks, that the Duke his Master will give into it, if the Bishop of *Munster* can be brought over, and in that Case they'll make a tuff Resistance before they'll yield their Conquests.

YET those Allies are seldom without some Differences or other between them, the Elector having capitulated with *Coningmark*, that he may carry his Garrison into *Schoonen*, *Germans* and all; nay, that if any of his *Germans*, in Virtue of the Emperor's Avocatory Letters, offer to leave him, he might restrain and punish them as Deserters; the King of *Sweden* is herewith very highly offended, and will do what he can to stop the Passage accorded them by the Elector. M. *Schutz* seems to apprehend that this may work a great Disconcert among the *Northern* Allies. But all this while we have not one Word of the Ratifications from *Spain*. I told you in my last, how M. *Colbert* was more than confident, they were already come, and lodged in M. *Balbases* Hands; yet they deny it very seriously, and the *Imperialists* seem to know nothing of it; for, say they, if the Marquiss did forbear to proceed to the exchanging of them, in Consideration of the Emperor, he would not omit, upon such an Occasion, to acquaint us with what he does, and the Reason of his so doing: However, there is no doubt made here, but that the *French* march'd yesterday out of *Maestricht*.

WHAT is done further about the Inclusion of the Duke of *Newburgh*, and others at the *Hague*, does not yet appear. M. *de Haren* hath had Orders to declare, that the States General did take in that Duke, and several others of their Allies, into the Inclusion; but 'tis thought requisite here, over and above what their Ambassadors do, they should give an Act in Form to each Party, to let the World see, that he is taken in.

THE Cities of *Cologne* and *Bremen* labour to get in at that Door; but M. *de Haren* answers them, that those Cities being in no Alliance with those States, being in War with *France*, and as they are Members of the Empire, they cannot be taken in neither upon the first, nor yet upon the second Branch of the 19<sup>th</sup> Article abovementioned. Yet the States have given M. *de Haren* Orders to comprise the City of *Lubeck*, if it can be done in any wise; and have refused their Offices to *Hamburgh*, because of the Difference the States have at this Time with that City, about the deceased General *Wurtz's* Estate.

M. *de Haren* told me, that the Effect of his Meeting on *Thursday* with the *Swedish* Ambassadors, was to go over the minute of their Treaties, where there were five Difficulties, that he was able to do no more upon, but to note them, and to acquaint the States with them, as now they lie in the Minute.

'Tis said M. *Meinders* hath been very lately with the *Swedish* Ambassadors, and hath had some Communication with them, that hath since obliged him to take a Journey to the *Hague*; yet upon my asking the *Swedish* Ambassadors, what good Account they would please to furnish me with, to be imparted to his Majesty, of the Forwardness of their Peace; they answered me coldly enough, that Things were still in the same State, and that their longing was for a General Peace, &c.

THE Business I went to them upon was, to offer them the Powers of the Ministers of the Dukes of *Zell*, *Osnaburgh*, and *Wissenbuttle*, and to desire them to furnish special Powers, by Way of Exchange, to treat with those Ministers. But the *Swedish* Ambassadors alledged, they ought to furnish no more special Powers but those five they had furnished two Years ago; and that these Ministers should range themselves under the *Imperial* Ambassadors, and make their Treaty a Part of the Emperor's; but these Ministers will by no Means understand this Way of Treating; their Matters entred, they say, and carried on this War upon their own Charges; the Conquests they have made, are made in their own Right, and they pretend to have special Powers produced to treat with them as Parties Principal, and not as Auxiliaries to the Emperor: All that the *Swedish* Ambassadors promised me, upon this Representation that I made them, was, that they will write to their King, when they have a Way opened for them.

AND as the Courier they sent about 6 Weeks ago is not yet return'd, so the Way they pretend is not more open than it was; and as I am ever and anon pressing M. *Heugh* about it, he shewed me on *Friday* last a Letter from the Chancellor of *Denmark*, whereby he cautions him, as a Friend, that the Step he had made in giving his Passport to the Courier (he having done it, it seems, without any Order or Power) was not well look'd upon by the King of *Denmark*; and that he advised him to be wary in making such a Step again.

THE Refusal that is made of all Passage, is cried out upon here; M. *Heugh* is content that his Allies, and my self too, should write him Letters, to perswade him to do his utmost to get this Passage opened; the Letter I writ him I shall trouble you with by the next; but upon the main Matter of the Peace, he told me, that tho' the Emperor should make his Peace this Day, and the House of *Brunswick* theirs to Morrow, and the Elector of *Brandenburgh* his the next Day, yet the King his Master would never think of making his upon the Terms of rendring all back again to *Sweden*.

JUST as I am closing, the *Liege* Minister tells me, he is newly come from the *Hague*, where he had lost his Labour in soliciting to have the *Dutch* Troops withdraw from *Hasselt* and *Maesjyk*, he hath promised me a Copy of the Resolution of the States upon that Matter, which is, it seems, not to quit their Possession, notwithstanding that *France* solicites them to do it. M. *d'Avaux* would have had his Minister procure the States, to depute towards him upon this Matter; shewing himself willing to hearken to Propositions for withdrawing the *French* Troops out of the Country of *Liege*, if the States would withdraw theirs; but the Pensioner told him, it was not a Thing to be expected *France* would do, and therefore the States would not be brought to make a Proposition that was sure to be rejected.

I take leave to inclose the Memorial of M. *Blaspiel* and M. *Cannon*, the first puts in to be included for the Dukedom of *Cleves*, and the other declares his Acceptance of the *French* Conditions, and his Option upon the Alternative.

THE *French* Ambassadors, when I past my Offices with them on *Saturday* for M. *Cannon*, took some Exceptions at M. *Cannon*'s Memorial, as if his Option had not been express enough, but that there was some Reserve in it, as if he had accepted the first Part of the 2<sup>d</sup> Alternative, but not the other; but upon a more exact Perusal of the Words, they went off from that Scruple; but seemed to say, that if he had submitted



ted all to the King their Master, and made no Option of either Alternative, he had taken the better Course. It pities the Ministers here very much, to see a Prince, that (strictly speaking) cannot be said to have given *France* any Cause of Offence, put to these very great Streights. I am, &c.

*L. Jenkins.*

*Nimeguen, 31<sup>st</sup> Octob. 1678.*

*Right Honourable SIR,*

**M**Y last was of the 28<sup>th</sup> Current; I have since the Favour of yours of the 22<sup>d</sup>, for which I most humbly thank you.

**T**HE *Imperialists* and the *French* have made no more Approaches, the one to the other, that I can hear of; the Liberty that the *French* stand upon to succour the *Swede* by the Way of the Empire, is the great Obstacle.

**M. Cannon** and **M. Balbases** are my Authors for this; but **M. Hengb**, in a Conversation I had with him last Night, went further; he thinks, the Emperor is now as far off as ever he was, from a Peace with *France*.

**T**HE *Imperialists* have acknowledged to him, he said, they would have made a Peace, and even left *Denmark* and the Allies of the *North* behind them in the War, had they been able to do it, even upon those Terms that are offered them, but now they say it is not to be done.

**T**HE Electors and Princes that are now labouring to get themselves into an Inclination by the *Hollanders*, have been suppos'd by **M. Hengb**, and most Men else, to have done it against the Emperor's Consent; but yesterday the *Imperialists* satisfied him, that all was done with the Emperor's good liking and Advice too, designing thereby to put *France* (which means nothing less than a general Peace) in the wrong.

**M. Hengb** told me, he should hear in a short Time of an Election of a King of the *Romans* talk'd on, in Pursuance of a Design *France* hath so long had of bringing the Empire into another House than that of *Austria*.

**M. de les Balbases** did yesterday complain to me very much of the *French* Quartering in several Places in the *Low-Countries*, contrary to the Articles of Suspension, and observed, there were great Complaints of their not keeping their Capitulations in *Aken* and other Places.

**T**HE *German Youth Kauss* is at last brought to me hither by the Care and Favour of **M. Blaspiel**, the poor Youth looks as if he were grown mopish with his long Imprisonment; **M. Blaspiel**, when he saw him, judg'd him no better; and would know of me, whether he should not, upon such an Occasion, put the Fiscal upon the Back of him that had had the poor Youth so long a Prisoner in his House; he could not have believed, he said, there was any such illegal, barbarous Thing done any where under the Elector's Government. The Elector, he assures me, hath not yet made one Step (whatever is given out to the contrary) towards the *Swede*; and the general Declarations that the *Swedes* make of their being willing to come to a Peace with the Elector, are but Amusements scattered abroad, to beget Jealousies between the Elector and his Allies in the *North*; the Elector is willing to surrender considerably back to the *Swede* for the Peace's Sake, but he will do nothing apart from his Allies. The Ambassadors that are gone from *Holland* towards *France*, have an Article in their Instructions for to solicit the Neutrality of  
Cleeves;



## 494 *Letters from the Embassy at Nimeguen.*

*Cleves*; and 'tis a Transcript of the very same Words that the *Brandenburgh* Ministers had put in their Memorial to the States upon that Subject.

HERE is a new Minister come from the Dukes of *Holstein*, instead of *M. Wederkop*; I was last Night to offer his *Plenipouvoir*; and his Proposition to *M. Hengh*, but he refused them, as he had done formerly, and for the same Reasons.

I should have told you in my last, how that the Baron *de Leye*, Envoy of the Elector of *Treves*, sent one Day last Week to take an Hour of me; but his Secretary saying very fairly at the same Time, he had been that Morning to visit the *Imperialists*, I sent him Word, I could not see him, unless I had new Orders from his Majesty.

I have such another Difficulty with the Baron *de Hoochkirchen*, one (and the chief) of the Duke of *Neueburgh's* Ministers; he saw the *Imperial* Ambassadors first; I afterwards excused myself from seeing him; my Commerce with *M. Caspars* his Collegue holds good, he having brought Letters from the Duke, and negotiated with Sir *W. Temple* and myself, near two Years ago; but the first Powers that these two brought about two Months ago, proving not to be right in the Form, they were forced to send for others, which are now come to Hand. *M. de Hoochkirchen* would have begun his Visit with me upon these new Powers, pretending that he and his Collegue were here before but as Deputies from the Country of *Fuliers*, to solicit the saving it from the burning that the *French* used in their Country; but I have excused myself till further Orders.

*M. Stradisman* was pleased to come and tell me now at 11, that for the Dependencies of *Friburgh*, they would let the *French* have them, as they will appear by the Records of the Place to have been these ten Years last past. But his Aim was, as far as I can guess, to let me see, that he and his Collegues have Cause to believe, that the *French* have not a Mind to the Peace; that unless *Sweden* do get out of the Briars by a sudden Peace, it may be made the *Dupe*, and *France* will turn about to a new Alliance; that there are strange Designs contriving, which may chance to break out 'ere long; that *France* will have the Skill to lay the hindering of the Peace at the Door of the *Swede*, as they have already done the retarding the Cessation; that the Emperor cannot possibly, with Regard to his Dignity and Trust, consent to the Liberty that the *French* demand, of having free Passage thro' the Empire to assist *Sweden*; and that as long as *France* insists upon it, it is a sure Sign they mean not to make the Peace; that they expect to hear what the Courier which the *French* received last Night will produce; however, that he thought it might not be improper, that his Majesty should have some Notice hence, of the little Hopes there are of the General Peace at this Time. He told me, the Ratifications are not yet come from *Spain*; that the *French* Ambassadors will be content, at the Instances that have been made them by the *Dutch*, to prolong the Term for the exchanging them till the 20<sup>th</sup> of *November*, *N. S.* that his Collegues and he shall have Orders to come and acquaint me, that the Emperor will do any Thing by way of Guaranty, that his Majesty shall think conducing to establish the Peace when it is made. I am, &c.

*L. Jenkins.*

*Nimeguen, 4th Nov. 1678.*

Right Honourable SIR,

SINCE my last, which was of *Thursday* the 31<sup>st</sup> past, I have not the Favour of any from you to acknowledge; nor can I find that any Thing hath pass'd since between the *French* and the *Imperialists* relating to their Peace.

ON that Day, after the Post was gone, the *Swedish* Ambassadors brought me the Memorial inclosed, to be handed to the *Imperialists*. In it you will find they value themselves for not having urged *France* to detain the Places it was once resolv'd to keep in the *Netherlands* till *Sweden* was satisfi'd. They lay hold of the Acceptation the *Imperialists* made of the *French* Conditions, wherein the Restitution of *Sweden* is, as they alledge, tacitly implied. They ask of the *Imperialists*, a more particular and exprefs Explication of their accepting, so as to take in the Concerns of *Sweden*; and (to induce them to it) they themselves explain,

1. WHAT they mean by the Restitution of *Sweden* desir'd by them.

2. IN what Manner they conceive it may be done.

To the first, they pretend that the *Westphalia* Treaties be re-establish'd entirely; and then the restoring of *Sweden* to all Things it was possess'd of before this War began, will necessarily follow.

FOR the other Point, which is, the Manner they conceive this Restitution may be brought about. 1. They desire that the Emperor would, in his own Name and the Empire's, make a Peace with *Sweden*; and then all the Princes of the Empire that will enter into the Peace, may be in Repose, and have the full Benefit of it. 2. That those Princes of the Empire that shall stand out, and not imbrace this Peace, may not only be expos'd to the War that *Sweden* shall make upon them by Sea and Land, but also that the Emperor and Empire shall give them no Manner of Aid or Succour, particularly no Winter Quarters, nor Passage thro' the Country of any Prince of the Empire. 3. That it may be free for *Sweden* (being by this new Treaty to be restored to all the Rights it was vest'd in by the *Westphalia* Treaties) to use all Manner of Means that shall be conformable to those Treaties, to recover their Rights, and particularly those Countries that are taken from it. 4. That it may be free for *France*, and for any other State of the Empire (that will) to assist *Sweden* with such Forces as they shall think fit to imploy, whether by Sea or Land. 5. (which is the great Point of all) That there may be a free Entrance, and an open Passage through the Empire, to those Forces that shall come in as Auxiliaries to *Sweden*; but without doing any Damage, nay, you will find it added, without Danger to any one that shall be in Peace.

I pass'd my Offices upon this Memorial with the *Imperialists*, as soon as they gave me an Hour to do it in on *Friday*; all they answer'd was, to take Time to consider of it, and I have not heard from them since; yet I found, by other little Notices I had, that they knew of this Memorial before me. I note this, that you may please to observe, that Offices of this kind are made use of only for Form Sake.

THIS Passage, I perceive by the Discourses of the Allies and others, is like to be the only Knot between the *Swedes* and the *Imperialists*, as it was between these last and the *French*; and I do not find any here (not

## 496 *Letters from the Embassy at Nimeguen.*

(not the *Spanish* Ambassadors themselves) that pretend to foresee an Expedient how to get clear of this Difficulty.

IN the mean while, the States General (as *M. Haren* told me on *Saturday*) have resolved the Inclusion of the Emperor and the Empire too, in virtue of the 19<sup>th</sup> Article of their Treaty with *France*, provided the Emperor will stand to any Conditions his Ministers may have offered the *French* here, tho' it should be more advantageous to *France*, than the Conditions proposed by *France* in *April* last. What this Proviso means, *M. Haren* seems not to comprehend fully, and I much less; but he hath Orders from the States to declare this Inclusion, first to the *Imperialists*, as having desired it, and then to the *French*, as being obliged to admit it.

THE Ratifications are not yet come, but *M. de los Balbases* still assures me they will be here in a short Time; that which is remarkable is, that *M. Colbert* told *M. Haren* on *Saturday*, that they, the *French* Ambassadors, are, and will be at Liberty to exchange the Ratifications till the last Day of this Month of *November*, *N. S.*

*M. Haren* was out of Town *Thursday* and *Friday*, as far as *Emmeric*, to visit the Prince of *Nassau*, Stadtholder of *Friezland*, who is fallen sick there of a Fever, which is now turned to an Ague; he went thither in Hopes to overtake the Princess his Mother, and the Dutches of *Zymmeren*, who were gone for *Cologne* before he came.

HERE is a Story brought from the *Hague*, (I have it from a Publick Minister there) as if the City of *Amsterdam* had ordered the Ambassadors, who are now going for *France*, to be instructed to tell the Most Christian King, that they cannot but take Notice of the Intrigues that *France* endeavours to drive on in this Country, and that they do not understand that to be the right Way of maintaining the Friendship now knit between them. Some think this relates principally to the Match, said to be going on between the Stadtholder of *Friezland*, and the Prince of *Jarantas* Daughter, which the *Vienna* Prints said, is Treated here between *M. d' Estrades* and *M. Haren*.

I take Leave to inclose a Memorial that the *Brandenburgh* Ambassador sent me, whereby he purges himself of the Imputations that the *French* Ambassadors, in a Memorial of theirs of the 30<sup>th</sup> past, *N. S.* charge him with, as if he had hindered the Cessation all that lay in him, in Conjunction with the Ambassador of *Denmark*.

THAT Memorial of the *French* was addressed to the *Imperialists*; I left out that whole Clause, as you may observe it scored in the Copy I sent you; but it happening not to be left out in that Copy which the Nuncio gave the *Imperialists*, *M. Heugh* and *Blaspiel* came to the Knowledge of it, by Communication from the *Imperialists*, and *M. Heugh* is meditating such another, to vindicate himself. I am, &c.

*L. Jenkins.*

*Nimeguen, 5<sup>th</sup> Nov. 1678.*

*Right Honourable SIR,*

HAVING a particular Occasion at this Time to send over this Bearer, I choose to charge him, rather than the next Ordinary, with what I should have added to the Dispatch of yesterday, but that it came to my Knowledge too late to be writ by the Post of the Day.

*M. d'Olivenkrantz* giving me the Favour of a Visit yesterday, after my Dispatch was finished, entered into a Conversation of some Length touching

touching the Peace of the *North*. He told me, the Hint I had given him and his Collegue, when they brought me their last Memorial, was not a Thing that could be done on their Part: That which I had told them was, that their yielding of some Places to the Elector of *Brandenburgh*, and to the King of *Denmark*, would, according to the general Opinion here, bring those Princes to give in to a Peace outright; and consequently put that great and difficult Question out of Doors, that lies now between the Emperor and *France*, about a free Passage for the Troops of *France* thro' the Empire.

He told me, that *Sweden* would never enter into any Expedient, that should oblige them to part with one Foot of their Land, or with the least of their Places; that they would rather lose all they have in *Germany*, and run the utmost Risque, than do it; however, he would acquaint me, he said, with an Expedient they were willing to come to, but with the utmost Injunction of Secrecy, with a Desire I would in all Humility lay the Thing before his Majesty, in Hopes that he would be pleased, when he knows it, to afford the King of *Sweden* the Countenance of his Authority and Furtherance with the Elector of *Brandenburgh*, in order to bring him to acquiesce in it. It is this: They are resolved, he says, to part with a Sum of Money, to content the Elector of *Brandenburgh*, but they do not offer it themselves, nor is the Sum determined; they have left the Proposition wholly to be managed by *France*, only they will acquiesce as to the Sum and the Payment, in the Issue that *France* shall be able to give to this Affair. But they will never hear of quitting any of their Places, not of parting with *Stetin* most especially; and in this they hope to have the Favour, not only of his Majesty's Judgment, but also of his Support, because of the Interest that this Crown hath in such a Change. The Elector, saith M. *d'Olivienkrantz*, hath it in his Thoughts, to set up a Force by Sea; and to that End hath *Stetin* in his Eye, as a Place that would be extremely convenient for him; but his growing great by Sea, is a Thing so directly opposite to the Interests of *Sweden*, that they must resolve to do any Thing, rather than give Opportunities or Advantages to such a Design; since all the Power the Elector can arrive at will be an Accession to that of *Denmark*, and both will but add to the Greatness of *Holland*, since *Holland* will have the Disposal of both.

THIS, M. *d'Olivienkrantz* supposeth, will give his Majesty occasion to reflect betimes upon such a Conjunction as that would be, and will therefore be pleased to use his Power with the Elector, to accept of a Sum of Money, to repair his Damages in some Sort; and the *Dutch*, who are under an Engagement to procure the Elector Satisfaction, will have their Desire and Engagement fulfill'd as well by a Sum of Money, as by having Places, since the Manner of satisfying is not specified.

M. *d'Olivienkrantz* went so far, as to tell me the Way his Majesty might influence the Elector, by receiving of Money, rather than insisting to retain some of those Places he hath got; it would be, he said, done with Effect, if his Majesty would please to desire the Prince of *Orange* to appear in it, and to use his Interest with the Elector to perswade him to it.

He told me further, that this Money is to be accepted, and the Thing to be agreed, without further Delay, because the *Swedes* will not be long free, and at Liberty to make good this Offer, or to accept of any other; it being now certain, that their Army from *Livonia* are upon their March, 20,000 in all, and by Computation entered 'ere this into *Prussia*; they must necessarily take off *Poland* from the Jealousies they may otherwise

## 498 *Letters from the Embassy at Nimeguen.*

have of the *Swede*, and consequently can do no less than put into the Hands of the *Polanders*, all they shall take from the *Brandenburghers* in *Prussia*; therefore the Elector must come quickly to a Resolution, or he will come too late. Besides, the *Swedes*, as he told me, have some Assurance, that the House of *Brunswick*, and the Bishop of *Munster*, will come to an Accommodation with them; so that what Conjunction the Elector promiseth to himself from them will fail him.

HE told me further, that the Peace between *Sweden* and *Holland* is still where it was; that he sees no Forwardness in the States towards the concluding it; nay, he finds they search after new Pretences to delay it, which if they should prove to be in earnest, they the *Swedes* too would also find new Difficulties to lay in the other way on their Parts; 'tis true, if the *Dutch* take the *Swedes* at the Offers they have already made, they will not go back; if otherwise, they will be in a Condition to join with his Majesty in the Treaty of Commerce, and give advantageous Terms to the *English*. I am, &c.

L. Jenkins.

*Nimeguen, 7th Nov. 1678.*

Right Honourable SIR,

HAVING troubled you on *Monday* the 4<sup>th</sup> Current by the Ordinary, and the next Day by another Convenience, I have now no more but to acknowledge the Favour of yours of the 29<sup>th</sup> past, and to thank you most humbly for the Communication of his Majesty's Pleasure therein. As to the signing of the Peace of the Empire, whenever it goes on, I shall keep close to the Letter of his Majesty's Order.

ON *Monday* last, after the Hour of the Post, the *Imperial* Ambassadors gave me the Favour of a Visit in a Body; it was to tell me, the Emperor their Master was glad that his Majesty had it so much (as I declared to them some while since) in his Thoughts to strengthen the Peace by his Guaranty; that his Majesty should find the Emperor ready to enter with him into any Measures for the preserving of the General Peace. These are the Words in which M. *de Gurck* delivered himself, adding nothing of the Peace in Hand, nor of the Answer that is expected from them to the *Swedish* Memorial.

To Morrow M. *Meinders* (as M. *Haren* tells me) is to begin his Journey for *Berlin*; M. *Colbert* told me late last Night, he is charged with a Proffer to the Elector of a Sum of Money, to bring off his Electoral Highness to a Peace, and to render all to the *Swedes* in *Pomerania*. I am, &c.

L. Jenkins.

*Nimeguen, 11th Nov. 1678.*

Right Honourable SIR,

SINCE my last, which was of the 7<sup>th</sup> Current, I have none from you to acknowledge, nor any Letters from that Side.

'Tis now 3 Weeks since there pass'd any Thing (that I can hear of) between the *Imperialists* and the *French*; and this is the 11<sup>th</sup> since I delivered in a Memorial from the *Swedish* to the *Imperial* Ambassadors, to which I have not as yet heard of any Answer. The *Brandenburgh* Ambassador hath indeed let himself into the Lists, and dressed a long  
Memo-

Memorial by Way of Answer to the *Suedes*, I have a Copy of it from him, by Way of Communication only, but not to pass any Offices upon it with the *Suedes*. I was not, I confess, of Opinion, that M. *Blaspiel* should have engaged himself this Way, but to stay till he was attack'd; the Reason he alledges is, that the *Suedes* scatter their Memorials, address'd to the *Imperialists*, up and down here, and all the Empire over.

ONE Thing he desired me most humbly to lay before his Majesty as his Sence, it is, that if his Majesty and the States General should please to form and agree of a Plan, to be propos'd for a Peace between the Parties in the *North*, the Plan would be received by all the Parties, and the Peace would infallibly be made upon it, and that quickly too.

THIS was his Opinion, and I find M. *Colbert* inclined to think, that a Plan for the *North* is the most probable Way to bring the general Peace about; but they, the *French*, dare not, he says, meddle in making any, since they must offer nothing that shall be to the Loss or Diminution of the *Suedes*. He, as he told me on *Saturday*, hath at several Times, upon Occasion, taken the Liberty to discourse M. *d'Olivenkrantz*, what he would advise, if he were (not Ambassador of *France*, but) a *Swede* born, and to give his Opinion in the Councils of *Sweden*; he would advise to let go something, rather than trust to the Successes of the War, since none can foresee what may happen to the Succours intended them by *France*. But tho' M. *d'Olivenkrantz* be not, he said, so much against all Manner of Temperament, that shall imply the yielding up of any Thing along with it, as his Colleague is, yet to ask *Stetin* of either of them, is as much as to ask *Stockholm* it self, they will as soon resolve to part with the one as the other; but the great Thing they complain of upon all Occasions is, the Impossibility they are under to do any Thing, since they have no Liberty to correspond with their Court.

THEY have, it seems, an odd Speculation in Regard of the *Dane*; it is, that they may easier part with something to him for the present, since they may have an Opportunity to recover it again, for those two Nations are not like to be very long without new Dissentions and Wars between them; but if once they let go their Hold of any Thing in the Empire, they must make Account never to recover it again: All the Empire will be against them, especially when they shall offer to disturb a quiet Possessor.

M. *Colbert* says, 'tis whisper'd, as if there were a private Treaty at this Time on Foot between the Kings of *Sweden* and *Denmark*; but M. *Heugh* absolutely disowns it. However, M. *Colbert* complains of the great Slowness in the *Swedish* Councils, and wonders they can be so little moved, as they are at this Time, with their late Losses in *Germany*.

M. *Colbert* was very large upon the Unreasonableness (as he term'd it) of the *Dutch*, in pretending to take the Emperor and the Empire into the Inclusion; and when all is said, if the Article do signify any Thing, it does in my poor Opinion sufficiently signify that Thing which the *Dutch* contend for, especially if the Minute, upon which it was drawn, be taken in to give Light; for there it is, — *The Allies that shall accept the Peace, according to the French Conditions of April last*, and there all the high Allies are named by their Names; as to the Names, they are left out in the first Draught, to avoid Embarrass in Point of Rank; and the Word *Conditions of April* were left out, because it would have been a little disadvantageous, as well as harsh, for the *Dutch* to suffer a Mention of the accepting of them; the *French* indeed desired to have it so understood, as if the *Dutch* had accepted

## 500 *Letters from the Embassy at Nimeguen.*

those Conditions for their Allies, as well as for themselves; this the *Dutch* Ambassadors would by no Means endure to hear of, as appears in some of their Memorials. But M. *Colbert* says, the Hopes that the *Imperialists* have to get into the Peace at this Door, make the *Spaniards* delay all this while the Exchange of their Ratifications, that it may be said, the Emperor concluded his Peace before the *Spaniards* ratified theirs; and 'twill probably, he says, be the same Thing in the Peace of the *North*, the Emperor will no sooner have made his, but the *Northern* Parties will fall to making theirs; and it will be made and signed before the Time comes that the Emperor will be bound to ratify his. But this, he says, is but his Conjecture, or rather his Wish; for his King, he says, desires earnestly to be out of the War; nor is it his Interests to make War upon the Empire.

M. *Termulen*, the Minister of the new Bishop of *Munster*, was to visit me on *Thursday* for the first Time; he gave me his Visit, before he saw any other publick Minister; the Bishop his Master is now, he says, in good Understanding with the House of *Brunswick*; and I perceive he would get out of the War as soon as possible; nor will he (if I guess not amiss) stand upon detaining any of the Conquests, if *Sweden* come to any Composition with him in Money.

HERE is a Minister come, and was with me the same Day, from the Marquiss *de Baden Dourlach*; his Business is, to demand Reparation for the Damages the *French* Armies have done his Country: An Errand, God wot, he hath but little Hopes to succeed in. I am, &c.

*L. Jenkins.*

*Nimeguen, 14th Novem. 1678.*

*Right Honourable SIR,*

I Have since my last of the 11th, the Favour of yours of the 5th Current to acknowledge, and humbly thank you for it.

I told you in that of the 11th, and in some former ones, that I knew nothing that past between the *Imperialists* of the one Side, and the *French* and *Swedes* of the other, for the advancing of the Peace in Hand; but that Evening, after the Post was gone, M. *Heugh* told me, that the *Imperialists* had on *Saturday* the 9th opened themselves further by Way of the Nuncio (as he had been informed) to the *French* Ambassadors, and so by them to the *Swedes*, to this Effect;

1. THAT they will proceed to the finishing of their Treaty with *France*, and make a Peace likewise out of Hand with *Sweden*.

2. THAT there shall be in it a general Cessation of Arms, agreed to be propounded to their respective Allies in the *North*, for 4 Months.

3. THAT during the Cessation, they, the *Imperialists*, and the *French*, will do their Endeavours to mediate a Peace between their Allies in the *North*, and to that End, will agree of a Plan to be propounded to them.

4. THAT in Case the Peace cannot be made up in those 4 Months, the Emperor will think himself at Liberty to enter into Measures, for the forcing such of the Allies as shall stand out, to give Way to the General Peace.

M. *Blaspiel* told me on *Tuesday*, and M. *Schutz* the *Lunenburgh* Minister yesterday, the same Thing, with very little Variation.

M. *Heugh* and *Blaspiel*, after the Relations they had made to me severally, made it their Request, that his Majesty might be in all Humility moved by me, to think of making a Plan for the *Northern* Peace.

Peace. M. *Heugh* said, the King his Master would have all the Regard possible to such a Plan as his Majesty should think reasonable, and did not much desire that his Affairs should come to be handled by two Thousand Hands, by which he meant these States; he had been talk'd to at a Distance, he said, from the *Swedes*, as if they would be content to leave *Lanscroun* to *Denmark*, if they may have *Wismar* back again in lieu of it; but he hopes his Majesty will think it reasonable, that they keep what they have got this War, having been so great Losers by the last.

M. *Blaspiel*, when he desired his Majesty might be moved to interpose, intimated his Hopes it would be in Conjunction with the States; and to that End, that he was going (as he went yesterday Morning) for the *Hague*, to see what the States will do for the Elector, to prevent his falling into the Hands of these new Mediators, as he called the *Imperialists* and the *French*. Peace, he said, was not to be refused from any Hand that should bring it; but his Majesty's was the proper Hand, and from him it is, the Elector desires to receive it; and it was a Wonder to him, why the *Imperialists* did not choose to act as Mediators, at least in Conjunction with his Majesty's Minister, for that it would be a very unhandsome Return to his Majesty, for his infinite Pains and unwearied Zeal, in endeavouring the Peace of *Christendom*, to intrude thus upon his Province; besides that, his Majesty would, if thus dealt with, have a just Reason to retain such a Resentment of the Thing, as not to enter into a Guaranty, for the preserving of their Peace (which would be no less necessary) when it is made.

THAT which he closed with, after he had made the Reflexions upon the Emperor's dealing with the Elector; if he (who owes his Being this Day upon the *Imperial* Throne, next under God, to the Elector) should now joyn with the Elector's Enemies, and take upon him to compel him to a Peace; his Close was, that he hoped Sir *W. Temple* would have his Majesty's Orders, to enter into a Concert with the States, for the drawing up of a Plan for the *North*, wherein there would be a favourable Regard had to the Elector's Interest.

As to the drawing of the Plan, I took leave to observe to him, as I had before to M. *Heugh*, that it would be requisite his Majesty were clearly informed, by the *Danish* and *Swedish* Ministers now at Court, of the Mind of their Masters; and that his Majesty should penetrate the Mind of the King of *Sweden* too, in some Measure, before his Majesty should proceed to offer a Plan, otherwise it may prove (as we have seen in the like Cases) so much Time and Labour lost.

How well grounded this Belief of theirs is, that the *Imperialists* have opened themselves as above to the *French* and *Swedes*, I cannot yet learn; but 'tis to me some Argument they have done it, in Regard they have not given any Answer in Form to the *Swedish* Memorial I delivered them the 1<sup>st</sup> of this Month.

BESIDES, the Marechal *d' Estrades* told me on *Tuesday*, that he and his Colleague had been several Hours that Day, and the Day before, labouring with the *Swedish* Ambassadors all they could possibly, to bring them to a Temperament upon the main Point of *regain*ing Pomerania, by *marching their Forces through the Empire*, but they had prevailed nothing upon them; nay, that they, the *Swedes*, had given them their Answers, or rather their Demands, in Writing; which was, that they pretended *France* should restore them to all they have lost in *Pomerania*; and for that End, should march directly towards it, through the Empire; and his Conclusion upon it was, that the Peace is like to hang a great



great while as it does, since the *Sweddes* will come to no Temperament about it, there he lays the Blame ; I guess that it might be some new Overture from the *Imperialists*, that put the *French* to press the *Sweddes* so close ; what pass'd between them was in Writing, which is not usual with the *French*, especially between them and their Allies. Yet I am told, that he, the Mareschal, hath lately had Letters from a Friend of his at Court, that advise him, that all these Negotiations touching the Peace of *Germany* is but an Amusement ; that the *French* Troops from all Quarters are to rendezvous 'ere long at *Nancy* ; and that they will there have such Orders for Action, as will put off the Peace far enough : For this *M. Heugh* is my Author.

*M. de Gurck*, on the other Side, told me on *Tuesday*, he hath at this Time better Hopes than ever of a Peace, for that as they have nothing but what is upon the Point ended between them and *France*, so he hath Cause to hope well of *Sweden*, from some Conversation he had had the Day before with the *Swedish* Ambassadors. In the mean time, *M. Schutz* complains very much of *M. de Gurck*, that he will not let him know in what State the Peace of the Emperor is with *France* and *Sweden*, but answers him with Surmises, that his Masters are making their Peace apart, and that they, the *Imperialists*, have not made one Step in theirs, but what all the World knows ; so difficult is it to find whereabouts they are : Other of their Allies, as well as he, complaining, that they are left in the Dark. I am, &c.

*L. Jenkins.*

*Nimeguen, 18th Nov. 1678.*

*Right Honourable Sir,*

THE last I troubled you with was of the 14<sup>th</sup>, I have since the Favour of one from you of the 12<sup>th</sup> to acknowledge.

BEING with *M. Stradtman* last Night, I let him know, upon occasion of your Letter, his Majesty's most express Orders to us here, repeated by the last Ordinary, to do all Service possible for the Duke of *Newburgh*, and shall do so to *M. Caspers*, the Duke's Minister here, with the first Opportunity ; but GOD knows it, here is no Good to be done for his Highness, nor for any other oppressed, as he is.

ON *Friday* *M. Heugh* giving me the Favour of a Visit, told me, he was commanded by the King his Master, to congratulate with me upon the Discovery that is, blessed be GOD for it, made in Part, at least, of the traiterous Conspiracy against his Majesty's Sacred Person, and of the Design to overthrow the Government, and to change the Religion established ; the King his Master hoped, he said, the Discovery already made, and the Providence that watcheth over his Majesty, will prevent all Tumults and Insurrections ; so that his Majesty will have no need to have Recourse to Arms : However, that the King his Master did offer all he hath, and namely, all the Forces he hath, or can make, and his Fleet likewise, to his Majesty's Service, as soon as it shall please GOD to put him, the King of *Denmark*, into a Condition to imploy them otherwise than he is forced to do at this Time, for the necessary Defence of himself and his Crown, they shall be absolutely at his Majesty's Disposal ; and his Majesty may please, if the King of *Denmark* can by any Means get out of the War, to reckon upon them as his own. I hope you'll find a Moment to lay this under his Majesty's Notice, and favour me with your Directions what Answer to return to *M. Heugh*.

WHAT

WHAT I told you in my last, of a new Overture that was made the 9th Current from the *Imperialists*, by way of the Nuncio, to the *French*, and by them to the *Swedese*, was true; for here goes along the Paper the *Imperialists* dictated to the Nuncio, or else to the Auditor; but all that is come to nothing, the *Swedese* not concurring in it, for that it supposes a Suspension of 4 Months, which is not for their Turn now their *Liesland* Army is upon its March; and for that it leaves them altogether at an Uncertainty, what the Emperor and *France* will do for *Sweden*, by way of compelling the Allies to Restitution, in case the Peace cannot be brought by fair Means during the Suspension proposed.

THO' the *Swedese* did stand off, the *French*, on the other Side, go on in perfecting their Peace with the *Imperialists*; for M. *Stradtsman* (in special Confidence) shewed me last Night a Body of Articles, wherein all the Business between the Empire and *France* is settled, wherein also the Interest of *Lorain* is comprehended, (but in such a Manner, that 'tis thought the Duke cannot consent to it) nor are the Princes of *Furstemburgh*, and the Dukes of *Savoy* and *Gottorp* forgotten. The Articles are given in to the *Imperialists* beforehand, not by the Nuncio, but by way of private Commerce between the *French* and the *Imperialists*; M. *Stradtsman* thinks they will be put into my Hands within a Day or two, to pass my Offices upon them in Form towards the *Imperialists*.

M. *Colbert* told me on *Saturday*, that he and his Collegue had agreed all to the *Imperialists* as themselves had desired it, and that they intended to draw up the Treaty in Heads, and to let it lie ready adjusted in the Mediator's Hands, till they could bring about the Business of *Sweden*; then he asked me, in the Marschal's Name, he said, as well as his own, whether my Orders left it free to me to do my Offices, in order to the putting a Conclusion to the Peace between the Emperor and *France*: My Answer was, that his Majesty's Care and Zeal had been always for a General Peace, and our Orders were, to do all Offices towards it, and this between the Empire and *France* being not only a very great Part of the General Peace, but they also that Treat it agreeing in it upon particular Means to bring in the *North* (which will make it General) I should be ready to do them all Service in my Function; and that I hoped Sir *W. Temple* would be here to assist, at leastwise at the Solemnity of the Work.

THEY, the *French*, are now gone off from that great Rock, of a Free Passage through the Empire, desiring now no more but *la liberté de faire la guerre aux Enemies de la Suede*, without specifying how or which Way; and in the mean while, the Emperor probably is to understand how they intend to make use of that Liberty, without Prejudice to the Empire.

M. *Stradtsman* did not tell me, they the *Imperialists* concurred fully to this Project of the *French* last put into their Hands; he said, the hardest Business of Digestion would be that of *Lorain*, for they take from that Duke no less than 50 Leagues of his Country, and a League in Breadth, for High-ways; besides, they must have *Nancy*, with a Liberty of taking as much Territory about it as *France* shall think fit; *France* giving the Equivalent to enlarge the Territory of *Toul*.

THUS Affairs stand at this Time between the *Imperialists* and *French* Ambassadors; the *Swedese* seeing this, and the Time for exchanging the Ratifications with *Spain* so near at Hand, they brought me on *Saturday* Night a Project of 6 Articles only, for a Peace between them and the *Imperialists*, and desired me not to give it in Form, but to see what some one of them would say upon it, to the End that being informed of the

Rubs most likely to lie in their Way, they might alter their Project as far as their Interests and Orders would permit.

I had a Conference last Night with M. *Stradtzman* upon that whole Matter, who told me plainly, the Emperor would never be brought to an express Restitution of the *Westphalian* Treaties in all Points, much less would he declare *Sweden* to be restored to all it hath a Title too by those Treaties. All that the Emperor can possibly do, will be, 1. To make a present Peace with *Sweden*. 2. To declare this Peace to be made upon the Foundation of the Peace of *Munster*. 3. To promise his Offices and Endeavours, in Conjunction with his Majesty as Mediator, and with *France, Holland*, or any other that will concern themselves to make a Peace in the *North*. 4. To declare that the Treaty of *Munster* shall be the Rule to be kept to in making this Peace in the *North*, except where it shall be necessary to depart from it for Peace Sake, and that by common Consent. 5. That if Offices will not do, the Emperor will enter into Measures, to oblige the Parties to give Way to a General Peace.

WHEN I reported this to the *Swedish* Ambassadors, with M. *Stradtzman's* Reasons, why no more was to be expected from the Emperor, and that the re-establishing of *Sweden*, was properly to be had and declared (not in this Treaty with the Emperor, but) in the Treaty and Peace to be made hereafter with those that are now in Possession of what belongs to *Sweden*; they seem'd to be convinced, that they would gain little or nothing in pressing the Emperor to make a Declaration so dishonourable to himself, so disobliging to his Allies in the *North*, and yet altogether so ineffectual to them, as to the real restoring of *Sweden*; but their Misfortune was, their Orders were positive, not to make any Peace with the Emperor, nor suffer *France* to make any Peace with him, without an express Article, that *Sweden* be restored to all the Rights that belonged to it by the *Munster* Treaties.

HERE they stuck last Night, taking Time to consider further. In the several Conversations I have of late had with them upon this Occasion, they express a perfect Reliance upon his Majesty's Affections for, and Care of the King their Master, and upon his Favour and Support at this Time in his Mediation.

M. *d'Olivekrantz* complains ever and anon of the *French* Ambassadors, and of their Intrigues with the Elector of *Brandenburgh*, and the House of *Brunswick*; and he thinks it strange, that M. *Barillon* should write to the *French* Ambassadors here, that his Majesty expects to hear that *Sweden* is willing to part with something to the Allies for the Peace Sake; believing his Majesty is for the entire Restitution of *Sweden*.

IN this Conversation, he repeated what he had hinted to me, as you'll find by my Letter of the 5<sup>th</sup> of Nov. that Things not going on with mutual Satisfaction between them and *Holland*, the King their Master would be in a Condition to gratify his Majesty's Subjects, by giving them Advantages in their Commerce; and that he hoped I should receive his Majesty's favourable Reflexions upon that Hint 'ere it be long, which would make them stand off more and more from concluding a Treaty of Commerce with *Holland*.

I beseech you, SIR, to favour me with your Directions, what Answer to give M. *d'Olivekrantz*, if he call upon me, as he said he would, to know whether his Majesty hath given any Directions upon it, or taken any Notice of these Hints, which, I confess, to me are dark and general. I am, &c.

L. Jenkins.  
Nime-

*Nimeguen, 21<sup>st</sup> Nov. 1678.*

*Right Honourable SIR,*

**M**Y last Dispatch, which was of the 18<sup>th</sup>, was no sooner finished, but M. *Colbert* brought me a Body of Articles, which he desired me to pass my Offices upon towards the *Imperial* Ambassadors: He told me, he gave them in not as a Project, but as the last Result of what had been so much debated between them and the *Imperialists*; nor could they, he said, now bear any Change, since they, the *French*, have drawn them up in the very Sense that the *Imperialists* had agreed some, and demanded others of these Articles.

THEY had, he said, but one general Article more, which they desire to have inserted: It was that touching the Contributions here, and how long they should be paid; but there should be no Difficulty about the penning of it, in regard they would content themselves with that Article as 'tis already worded in the Treaty between them and *Spain*.

THEY were charged, he said, by their King, to take Care of the Interests of some particular Persons, and to get them provided for in the Treaty: One is, the M. *de Schomberg*, who hath Pretensions upon the City of *Frankfort*, upon his Electoral Highness *Palatine*, and upon the Duke of *Lorain*: Another is, the Princess Dowager of *Baden*, (Daughter to the Princess of *Canguan*) who hath Pretensions, in virtue of her Marriage-Covenants, upon the Prince of *Baden* now Regent: A third is, the Prince of *Salme*, who would be relieved of the Fears he hath of several Grievances that this present Duke of *Lorain* may give him, as the Duke his Uncle did. But these, he said, he would not speak of, till the general Articles were agreed, and then they would give me Memorials of these several Pretensions.

THE last Thing that M. *Colbert* said to me, in delivering me these Articles was, that they had taken Care to express their Respect to his Majesty in the Preface of their Treaty, tho' his unwearied Pains, and Zeal for the Peace, was beyond all that Words can express: He said, his Majesty's Ministers may be named (if they so desire it) in the Preface; that our Commission cannot be inserted into the Treaty, because the Emperor and his Allies are named in the first Place, then the Most Christian King is named after them; whereas there ought to have been such Separation or Distance, he said, to lie between him and the Emperor.

HIS, he said, was a Mistake in the Nuncio's Commission too; and they had told him, that they would never suffer his Commission to enter into, and become a Part of any Treaty of theirs; nor was it needful, he said, for that there is no President that he M. *Colbert* can find, for inserting the Mediators Powers into the Treaty: It was not so at *Munster*, he said, nor at *Aix la Chapelle*, where he was present and acting, the Ministers of a Mediator are *fondez valablement*, these were his Words, by the naming of their Master in the Preface; and to insert their Power would be superfluous, where there is nothing promised, nor nothing stipulated in the Mediator's Name.

UPON this whole Matter, and especially upon the Words of this Preface that relate to his Majesty, I most humbly beg your Reflexions; and that we may know Time enough, whether his Majesty can admit them or not, for they speak in particular of nothing more than of his having got this Assembly together, without mentioning his Office of a

General Mediator ; and 'tis my humble Opinion, that Right is not done to his Majesty as his Rank and Figure of a General Mediator deserves.

M. *Colbert* having desired me to lose no Time in communicating these Articles to the *Imperialists*, I attempted to do it the same Evening, but the Hour they assigned me was not till *Tuesday* Morning : The *Imperialists* said little for the present, but that they would fall to work upon them ; only in Answer to what I told them of the Pretensions of particular Persons, they said, that they had several of that Nature to offer on their Parts. They did not tell me they had a Contre-project of their own to give in, but 'tis the general Belief they will give one ; for they must else put themselves to the Pains of turning this *French* into *Latin*, since their Treaty must be in the Language of the Empire.

LAST Night the *Swedish* Ambassadors came in Form, to desire my Offices in mediating between them and the *Dutch* Ambassadors ; for they will, they say, henceforward go by the way of the Mediation, and not by immediate Conferences between themselves, as they have hitherto done. They told me three Days ago, they would give in their Project for a Peace with the Emperor and Empire, but they have it not yet ready ; they are not a little troubled, that the *French* have in their Articles made no Manner of Provision or Stipulation in Favour of *Sweden*, but left them, the *Swedish* Ambassadors, to shift for themselves.

BEING told for certain last Night, that the Ratifications from *Spain* were arrived, I laid out to speak with M. *Haren* and M. *de los Balbases*, the first gave me the Hour of 11 this Day, the other I cannot come to speak with till the Afternoon.

M. *Haren* tells me, the *Spanish* Ambassadors had acquainted him yesterday, that the Ratifications were come to Hand, but that they had Orders to get two Things in them explained, or else supplied. The one is, that the several Things that are left to Commissioners to settle and decide, may be submitted to his Majesty and the States General, in case the Commissioners do not agree within a certain Time. The other Point is, that it be expressly provided, that the Rebels of *Messina* and *Naples* are not intended to be comprehended in any of the Clauses of Oblivion that are in the Treaty.

WHEN M. *Colbert* was told of this, (as he was last Night by M. *Haren*) he was out of all Patience, especially with this last, saying, if he were worthy to advise the King his Master, he would have him spend the utmost farthing in pursuing the War, rather than submit to such a shameful Condition. M. *Haren* is likewise of Opinion, that the States his Masters will be very much scandalized at this last Proposition. The *Spanish* Ambassadors told him further, that he and his Colleague had been the Cause, that their Proceedings here had been very much disapproved of by their Court. 1. In that they had, at the Instance of the *Dutch*, (mediating with them) yielded the Artillery and Ammunition of their Places to the *French*. 2. That they had pressed them to that Neutrality, that was so justly offensive to the Emperor. 3. That they did their Business in such a Huddle, that they did not stipulate anew from the *Dutch* the rendering of *Mastricht* to *Spain*, as soon as it should come to their Hands.

M. *Haren* took this Occasion to tell me, the *Swedish* Ambassadors had been with him last Night, to acquaint him they were resolved to make use of the Offices of his Majesty's Mediation, in the Business depending between them and the *Dutch* Ambassadors ; they gave for their Reason of coming to that Resolution, that their Minister M. *Leyenberg* had been

been reproached at the Court, because these Ambassadors did so affectedly wave his Majesty's Mediation.

I must not forget to tell you, that the *Cologn* Minister does; in the Name of his City, most humbly beseech me, that M. *Barillon* may be spoke to from his Majesty, that *France* would admit it into a Neutrality:

M. *Balbases* tells me the very same Things that M. *Haren* did: If I mistake not, the Council of *Flanders* advises him and his Colleague to exchange the Ratifications forthwith, notwithstanding what is desired from *Madrid*. I did remonstrate to him the best I was able, the Inconveniencies of deferring the Exchange any longer; the true Reason why he should defer it for some Days is, out of the Regard he hath to the Emperor's not having his Peace finished, before the *Spaniards* ratifie theirs. But certainly the *Imperialists* stand in their own Light, if they desire *Spain* should delay it any longer on their Consideration. *Don Juan* hath taken Orders for 6000 *Spaniards* to be transported from *Gallicia*, to fill the Places that *France* is to restore them in the *Netherlands*. I am, &c.

*L. Jenkins.*

*Nimeguen, 25th Nov. 1678.*

Right Honourable SIR,

MY last was of the 21<sup>st</sup> Current, since which I have the Favour of one from you of the 15<sup>th</sup> to acknowledge. In my last went a Body of Articles the *French* Ambassadors had drawn up, for the Peace with the Emperor and *Lorain*; there is no Answer yet returned upon them by the *Imperialists*, but M. *de los Balbases* told me last Night, we should have one in a Day or two, and that it will be such a one as amounts to a full Agreement with the *French*.

On *Friday* Night I gave in a less Body of Articles to the *Imperialists* from the *Swedish* Ambassadors, a Copy of them goes herewith inclosed; we shall have an Answer upon them at the same Time as that upon the *French* Articles; but they are not so near agreeing; yet both these *Treaties* are (as 'tis projected) to be signed on the same Day.

M. *de los Balbases* is content, that the King his Master do enter into this Treaty with *Sweden* in conjunction with the Emperor, and by that remove the Difference between him and the *Swedes*, about the Language of the respective Powers, and of the Treaty itself, whether it shall be in, or else *Spanish* and *Swedish*, will be taken away; and desired me last Night to sound the *Swedes* at a Distance upon this Point.

The *Swedish* Ambassadors, on their Part likewise, do desire the Bishop of *Munster*, and the House of *Brunswick*, would enter as Parties into the Treaty that the Emperor makes with *Sweden*; by that Means to excuse themselves from producing special Powers (as they have none) to Treat with the Ministers of those Princes: The *Imperialists*, when I proposed it, told me, they were willing to make the Business of those Princes part of their Treaty, provided it did not hinder or retard the concluding of theirs for the Emperor; but M. *Termulen* was with me last Night, to tell me there must necessarily a special Power be had from *Sweden* to Treat with him, for that his new Master is not in any Alliance with the Emperor; and yet the only Ground the *Swedes* have to pretend not to furnish special Powers to Treat with their Princes is, because they have a general Power to Treat with the Emperor and his Allies: So little is that Minister, and the *Brunswick* Ministers, advanced

in their Negotiation (publickly at least) that they are not yet over this Preliminary.

THE *Lorain* Minister, who hath a great Part (as the *French* Ambassadors have designed it) in their Treaty with the Emperor, was with me on *Saturday*, to make his Excuse, that having made his Option of the second of those Alternatives that his Master is put to, by the *French* Conditions of *April* last; the *French* Ambassadors, as they have extended the Alternative he had made Choice of into Articles, have made his Case much worse than the Letter of the Alternative itself makes it; he therefore claims the Liberty of going off from his first Option, and choosing again, rather than submit to so hard a Construction, and Extension of it, as the *French* Ambassadors have now made; and he would fly to the first Alternative, and let go the whole Dutchy of *Barre*, rather than have his Country so mangled and canton'd, as 'tis design'd to be, by the High-ways that *France* is to have through it.

IN this Project, that the *French* Ambassadors have made, the Duke of *Lorain* is to have no more but what the Duke his Uncle was in Possession of, in the Year 1670; yet in the *April* Conditions, there is no such Restitution; nay, the Words are *Generalement luy remettre tous ses Estats*. In this Project, here is a Territory that must be assigned to *Nancy*; in the Conditions of *April*, there is no such Thing; when *France* pretended *Spain* should assign a Territory to *Charlemont*, or procure one for *Dinant*, it was answered, the Conditions spoke of no Territory, but singly of the Towns, and there was in that Case no Territory further insisted on. In the *April* Conditions, there are demanded, *des Chemines qui seroient necessaires pour passer*. The Duke of *Lorain* is content it should be so all his Country through, as Ways are usually assigned; but to make over a 100 Leagues in length, half a League in breadth of this Country in Propriety and Sovereignty, is such a Thing as never was heard of before; and the Letter of the *April* Conditions bearing no other Construction, (the only one known hitherto in Practice) the Article, as it is penn'd, is intolerably more hard than the *April* Conditions, which mention nothing of transferring the Property of the Soil; besides, as it is infinitely inconvenient for the Duke to have his Country thus mangled, so it will not serve the Turn intended for the Marches of Armies; nor is there any Thing of Recompence assigned, in lieu of so much of the Soil that *France* is to possess to Perpetuity. The *April* Conditions speak of the Bishoprick, as well as the City of *Toul*, to be made over to the Duke of *Lorain*; but this Project mentions not the Bishoprick at all.

MUCH more he charged me with, touching *Maral* and *Longwick*, and touching Expedients to speak to the *French* Ambassadors about, by Way of Representation, how the *April* Conditions are to be understood, if the Duke of *Lorain* be not denied the Benefit of the Letter of them, which yet was not denied to *Spain*; nay, it was thought so reasonable, that the States General stood by the *Spaniard* against every Thing that was demanded, and that the Letter of those Conditions did not bear.

It does not appear, that the *Imperial* Ambassadors will concern themselves so, as not to make up their Peace, tho' nothing of this Rigour should be remitted towards *Lorain*; for M. *de los Balbaces* tells me, that they intend to take the Articles that concern *Lorain* out of the Body of their Treaty, and insert a Line or two only in it, that shall be remissory to the *Lorain* Treaty when it shall be made up, and by that Means it shall make a Part of the Emperor's Treaty.



ON *Friday* the *French* Ambassadors brought me the Declaration inclosed, and (which is not usual) called for Pen and Ink, and signed it in my Presence; *M. Colbert* having read it, and I finding it did in a Manner prefix a Time for the Emperor to make his Peace (for they say therein, that the Most Christian King will not hold himself tied any longer than till the last of *December, N. S.* to the Conditions he offered in *April* last, but will take himself to be at Liberty to take his Advantages anew) I desired them to excuse me from passing (at least suddenly) any Office upon such a Declaration. I told them, I should have Occasion to be with the *Imperialists* that Evening (being to carry to them the *Swedish* Propositions) and that I would press them all I could to give their Answer upon the *French* Propositions; and that if they did not come to a Close, *France* might chance to enter upon other Measures; but *M. Colbert* said, there was a Necessity they should make this Declaration of the King their Master's Mind as publickly as may be, and as soon as possible; which was done accordingly, for the Declaration came out in Print next Day, and was pasted to the Walls in the usual Places, not only in the *French* Language, but also in *Low-Dutch*.

IN this Conversation with the *French*, I moved, as I had been requested by the *Newburgh* Ministers, to know of them, whether they had had any favourable Answer from Court, for the admitting of that Duke into the Inclusion: *M. Colbert* told me, they never writ about it, though it seems *M. de Haren* was perswaded they would, upon what pass'd between him and them; and then *M. Colbert* let himself, by Degrees, into some Passion against the Inclusion pretended by the States General, saying, *On nous prendroit pour des dieux, si on nous croyoit capables de consentir à une telle explication, il voudroit mieux faire la guerre cent ans.* So that there seems but little Hopes that *France* will give into the Interpretation that the States would make of their Article of Inclusion.

IT seems, *M. de los Balbases* is engaged to stay and see, whether the *Imperialists* can finish their Peace before he exchange his Ratifications, having 10 Days yet good to do it; the *French* having prolonged their Term from the 30th of the last Month, *N. S.* to the 15th of this; he complained to me last Night of the Slowness of the *Imperialists*, desiring me to press them to come to a Conclusion; he sent them his Desires in Writing, that they would (since the *Low-Countries* suffered so much, and the Emperor gained nothing by it) dispense with him, and not take it amiss, if he proceeded forthwith to exchange the Ratifications; but the *Imperialists* held him to his Orders from *Spain*, telling him, nothing would be more displeasing to the Emperor than such a Proceeding; and this is the Reason the Ratifications are not yet exchanged. I am &c.

*L. Jenkins.*

*Nimeguen, 28th Novem. 1678.*

Right Honourable SIR,

MY last was of the 25th; I have since the Favour of yours of the 22d to acknowledge, and humbly thank you for it.

WE have been here ever since *Monday*, earnestly expecting the *Contre-Project* of the *Imperial* Ambassadors, by Way of Answer to the Articles I handed over to them the 19th of this Month; and last Night at 6, *M. de Gurck* and *Stradtzman* brought me their Project of 24 Articles, excusing



excusing their not having done it sooner, for that they were first to see what the *Swedish* Ambassadors would set forth in their Project, since the Treaties of the *French* and *Swedes* are intended to be relative one to the other.

THE Articles are of that length, that 'tis as much as two Hands can do, to make out a Copy of them, for me to pass my Offices upon with the *French* Ambassadors some Time this Forenoon, that it may not be said to have stuck at all in my Hands; and I beg your Respite for a Copy till the next Ordinary, if it cannot be got ready by this.

I read over this Project cursorily, while the *Imperialists* were by, and discoursed with them upon several Objections that I thought would lie in our Way; the Truth is, the Articles are so contrived, that there are but very few of them that will not afford much of *Chicane* before they can be adjusted.

1. IN the Business of *Lorain*, as the *Imperialists* propose it, I do not see how they can be reconciled to the *French*.

2. THEY propose a Cession of 4 Months in the *North*; the *French* and *Swedes* give out, that they cannot consent to any such Thing.

3. THEY would have the *French* promise them to accept of an Equivalent for *Friburgh*, but the *French* in their Articles projected the absolute Cession of it, and have refused several Offers made them of an Equivalent. Other Points there are, though not so difficult to be reconciled, yet such as will take up more Time than ought to be spent in *Chicaning* of Words, as the Conjectures now are.

I came now from delivering the Articles of the *Imperialists* to the *French*; I have Time to say no more, but that I never saw M. Colbert in so much Heat as at this Time, about the three Points abovementioned; they would, he said, put forth a *Manifesto*, and ground it upon those Points: The Articles were brought him by the Nuncio yesterday, several Hours before the *Imperialists* put them into my Hands; so that his Remarks were ready drawn up on each Article. In a Word, the *French* will hear of nothing, till they have a clear Article agreed for the Cession of *Friburgh*; for had not the *Imperialists* born them in Hand, that they would quit *Friburgh*, they would not have slackened their Hold about the Way to it, and the Territory about it; for the Orders were, not to yield these Points till they were sure of the Peace; they must know likewise, what Measures the Emperor will enter into for restoring *Sweden*, in Case a general Peace cannot be suddenly made.

ONE Thing astonishes me very much, as soon as the *Imperialists* left me last Night, I went to M. de los Balbases, and took Occasion to represent to him, that it was morally impossible the *Imperialists* and the *French* should be brought to close, without some considerable Time spent, at leastwise as much as was necessary to send to the respective Courts of *Vienna* and *France*; and therefore, that the *Spanish Netherlands* would be not only in the Way of utter Ruine, but in Danger of some Fatal ty, (I did not say Revolt) unless that Peace were made sure; he would not so much as tell me, (tho' otherwise he is friendly and open enough to me) when he would proceed to ratify, nor say he would do it at all, but desired me to push on the *Imperialists* all I could.

I have made many a Journey these 3 or 4 last Days, between the *Swedes* and M. de Haren, but can bring them to no good Understanding; the *Dutch* are inflexible upon certain Terms in the Peace; the principal is, not to covenant with *Sweden* to be Neuters, if it have War with their Allies; this makes the *Swedes* deny them the Advantages they would otherwise have from them in the Trade of their Country; and

and both the one and the other say, there can be no Peace upon the Terms now insisted on. I am, &c.

*L. Jenkins.*

*Nimeguen, 2<sup>d</sup> Dec. 1678.*

*Right Honourable SIR,*

**M**Y last was of the 28<sup>th</sup> past, since which we have not any Letters from that Side. The Contre-project of the *Imperialists* to the *French*, you will, I hope, have received by this Post; for tho' it could not be got ready with this Dispatch, yet the Post making some Stay beyond his ordinary Hour, it was sent to the Posthouse before he parted. The same Evening, the *Imperial* Ambassadors brought me another Contre-project; it was that which they had prepared in Answer to that of the *Swedes*.

THE *Swedes* Ambassadors, when I delivered it them the next Day, were mightily dissatisfied with it: 1. In that it was not provided, that the Emperor should not assist the Enemies of *Sweden*. 2. In that it proposed a Neutrality of 4 Months, which would be of the utmost Disadvantage to the *Swedes*. 3. In that their Enemies, the *Spaniards* and the *Dutch*, were made to intrude into the Mediation, even before the Peace between *Sweden* and either of them was made. 4. In that the Most Christian King too, was designed to enter into the Mediation of the *North*; that, they said, would take him off from acting according to his Engagements, for the restoring of *Sweden*; and give him Cause to cease the Operations of his Arms, and to turn all his Succours into Offices.

THIS is the Remark they made upon the 4<sup>th</sup> Article of the *Imperial* Contre-project; and indeed that Article had one Thing in it, which I thought myself obliged to except against; for when they had named for this Mediation, the Emperor, the King of *Spain*, and the States General, they had added, — *Non minus quam Rex Christianissimus unà cum Rege Britanniae uti Mediatore officia sua efficacissime conjungent*; I told them that was none of the King my Master's Place, and that I would never pass my Offices upon their Paper. Besides, I observed to them, that though his Majesty were named in the proper Place, that is, in the first, as Mediator; yet in Regard he would be thought to come again in the close of the Article, under the general Words of *jam dictas potentias*, he would seem thereby to be engaged to enter into Measures with the abovenamed Potentates, for the forcing of a Peace in the *North*, in case this Mediation of 4 Months should prove without Success; that I was not instructed of his Majesty's Pleasure in this Matter; that his Majesty's Commission to us here was only to promote the General Peace by our Offices, and when that was made, to give his Majesty's Guaranty for it, if it were desired; that I was sure this Article did imply, that his Majesty would take upon him another Figure than that of Mediator, if this Mediation of 4 Months were fruitless; therefore that I durst not pass my Offices, much less sign a Treaty to that Effect; whereupon they took their Project again, and changed that, and some other Things in it, not bringing in his Majesty, nor making mention of him in this Article, as Party to this new design'd Mediation.

I left the *Swedes* Ambassadors in a great doubt, whether they should answer upon this Contre-project, or else adhere to their own Project; but this will be resolved some Time this Day, in a Conference they are to have of Course with the *French*; for they intend to govern themselves

selves in their Manner of proceeding, as the *French* shall do in their Answer upon the *Imperial* Contre-Project given in to them.

THE *French* Ambassadors were with me last Night, to declare what they would do as to that Matter; 'tis thus, they would husband the Time, they said, to the best Advantage, but they pretend their Articles given in to the *Imperialists* to be exactly conformable to the *French* Conditions of *April* last, and to several Declarations that the *Imperialists* have given in Writing, and made by Word of Mouth, of their consenting to what the *French* demand touching *Friburgh*, *Lorain*, &c. therefore they expect that the *Imperialists* should, before they proceed further, bring their Contre-project (in those Points especially) to a Conformity with the Articles of the *French*, and their own former Declarations; when this is done, they will enter into Conferences, for the speedier adjusting of lesser Points that are not in the *French* Conditions of *April*, nor yet pretended by the *French* to be agreed between them.

I carried this Overture straight to the *Imperialists* and M. *Cannon*, but was not able to bring them to any Resolution upon it; they took till some time this Day to consider, and give in their Answer; only M. *Cannon* told me plainly, that the Duke his Master could not part with his City of *Nancy* in Sovereignty to *France*; were there nothing else, this would hinder the Peace, unless the *Imperialists* do leave M. *Cannon* to himself, as M. *Balbases* says they will, contenting themselves with an Article, that shall declare the Treaty of *Lorain* to be Part of theirs whenever 'tis concluded.

M. *Balbases* told me, that the Nuncio doth not appear openly in mediating between the *Imperialists* and the *French*; for that he sees both those Parties agreed to renew and confirm the Treaties of *Westphalia*, against which there are several Protestations of Cardinal *Chigi*, that was Nuncio at *Munster*, and a Bull, as I take it, of *Innocent X.* who was the then Pope. This Nuncio professing to M. *Balbases*, that he was a Well-wisher to the Peace, and especially to the reconciling of the Emperor and the Most Christian King, as also to the Part that the Duke of *Lorain* had in it, whose Interest he would promote as much as in him lay; he was a little concerned, when M. *Balbases* told him, he had heard that the Auditor had delivered a Contre-project in his Name, as Mediator, from the *Imperialists* to the *French*; he assured him, that he knew nothing of any Contre-project; that he inquired not much after the Auditor whither he went, nor what he did, contenting himself that he was within Call when he had Use of him. M. *Balbases* Conceit was, that the Nuncio did not purge himself thus diligently, but out of Apprehension that ill Offices might be done him at the Court of *Rome*, in case it should be believed there, that he had any Hand in promoting the Re-establishment of the *Westphalia* Treaties.

FROM this it may be gathered, that the Nuncio will not have that solemn Part that was expected, in the Preface of an Instrument apart, nor have the Treaty signed at his House; but 'tis to me very probable, that the *Dutch* Ambassadors may (upon the Nuncio's disappearing thus) be invited by both Parties, (in regard of the Confidences between them) to take the Figure, and enter upon the open Functions of mediating jointly with me, or separately from me, as M. *Beverning* hath already in *September* and *October* last gone often between them, tho' with Intention not to prejudice, as he was pleased to give out, his Majesty's Mediation.

THIS is certain, the *Dutch* did in *August* last offer their Offices to the *Imperialists*, in order both to the Cessation then treating, and to the

the Peace, and that the *Imperialists* did then accept the Offer; if they should now do the same to the *French*, I doubt not but they would accept it: 'This new Mediation, if it so fall out, will give me some Uneasiness till I shall be able to receive his Majesty's Directions how to behave. I shall not forbear my Offices and Functions for their intermeddling, and if I be requested by the Parties, and by themselves, to admit of their Conjunction in passing Offices, I shall not refuse it; and if the Parties should resolve to mention the States in their Instrument, (provided right be done to his Majesty in his proper Place) I shall not oppose it; that which inclines me to think this Course, if I be put to it, most suitable to his Majesty's Intentions, is, 1. That the Parties have reserved themselves in their Powers, a Liberty either to act by themselves, or else by such Mediators as should be received, the Power of receiving them being still in their Hands. 2. That there is a Concert at this Time between his Majesty and the States, for the joint warranting of the Peace of *Christendom*; and therefore I suppose there would be no Difficulty on his Majesty's Part, to suffer the States Ministers to have their Part in it, if they shall desire it, in the mediating of it.

I could not close this Letter, without first speaking with M. *Balbases*, about the Ratifications; the short of what he told me as a great Secret is, the *French* have refused to prolong the Term, and he is resolved to proceed to the exchanging of them on *Thursday* next.

*L. Jenkins.*

*Nimeguen, 5th Dec. 1678.*

Right Honourable SIR,

THO' I am not authentickly notified, as I hope to be, of the Exchange of the Ratifications between the *French* and *Spaniards*, yet I am able to assure you they are actually exchanged; and if Wind and Weather will permit, you shall have Notice of it by Express, as soon as I know it from any of the Parties. I am, &c.

*L. Jenkins.*

*Nimeguen, 5th Dec. 1678.*

Right Honourable SIR,

I Am now able to tell you for certain, that the Ratifications between *France* and *Spain* were actually exchanged between 4 and 5 this Afternoon. The Manner was thus: Both Embassies sent in their respective Ratifications yesterday to the *Dutch* Ambassadors; they issued out Copies of them this Morning, and sent them to the Secretary of their Embassy, that of the *French* to the *Spaniards*, and that of the *Spaniards* to the *French*. I am not certain whether the Originals went along to be shew'd to the *Spaniards* in Form or not, but I believe they did; between 4 and 5, the *French* and *Spanish* Secretaries met at the *Dutch* Ambassadors, and made the Exchange in and through their Hands; and so the Business was ended without Ceremony. The Instruments were without Exception, only the *Spanish* one was found to be a little *Maigre*, the Writing being upon Paper, and the Seal upon a Wafer: The *Dutch* Ambassadors, after this Work was over, and their Dispatch sent to their Masters, took

## 514 *Letters from the Embassy at Nimeguen.*

the Pains to come and give me Notice of this Exchange ; so that there is no doubt now but the Thing is done.

MOST of my Time since my last, which was of the 2<sup>d</sup> Current, and especially all this Day, hath been taken up between the *Imperialists* and the *Swedese*, in debating their several Projects ; there is nothing but may be reconciled between them, and, as I take it, will be so, if the *French* and the *Imperialists* do agree ; the *French* are in Expectation of the Reflexions and Orders of their Court, upon the Counter-project of the *Imperialists* ; these last have now a Mind to go off from the Option they have made of *Philipsburgh*, and stick to *Friburgh*, if the *French* do not accept of an Equivalent for it. I am, &c.

L. Jenkins.

Nimeguen, 9<sup>th</sup> Dec. 1678.

Right Honourable SIR,

MY last was of the 5<sup>th</sup> Current by Express, whereby I gave you an Account, that the Ratifications between *France* and *Spain* had been actually exchanged. Last Night I had the Favour of two from you, the one of the 29<sup>th</sup> of *November*, the other of the 3<sup>d</sup> of *December*, which came to Hand both at the same Time.

I spoke with the *French* Ambassadors this Morning, and represented to them his Majesty's Reflexions upon their Preface, as they intended it for the Peace with the Emperor : M. *Colbert* at first would have maintained, that they had given the King his Title of Mediator in their Draught, but afterwards went off from it, and excused that Omission, as also their restraining all his Majesty's Care and Pains to the single Thing of having got this Assembly together, with saying, that they had understood it to be his Majesty's Meaning, not to have any long Narrative of his Merit, but only *fort peu de Mots* in the Preface ; they would write, they said, to Court about it, and he thought there would be no Difficulty in the Matter ; sure he was, there would be none in naming his Majesty's Ministers here in the Preface ; however, they would write about it, said he, a 2<sup>d</sup> and 3<sup>d</sup> Time. And this was all the Answer they gave me in the Point, which I cannot but wonder at ; for when M. *Colbert* delivered me the Articles 3 Weeks ago, he seem'd in a Manner to subject the Preface to such Alterations as should seem most agreeable to his Majesty ; saying, he had endeavoured to do him Right, and left us to supply any Thing we found wanting.

WHEN I told him, that besides his Majesty's Orders by the last Letters, I had very strong Motives put into my Hand by their Secretary late last Night, that obliged me to pray them, that Right might be fully done to his Majesty, as General Mediator. Their Secretary had brought me some particular Articles, touching the Interests of the Princess of *Baden*, the Prince of *Salme*, and the M. *de Schomberg*, a Copy whereof goes inclosed ; and together with these, there goes an Article, setting forth in most advantageous Terms, the Merits of the Elector of *Bavaria*, in labouring for this Peace of the Empire ; first by frequent Letters and Messages to the Courts of *Vienna* and *France*, and by entering since into Treaty about it with the Cardinal *d' Estrées* ; all this is intended to be inserted in the same Preface and Paragraph where his Majesty is mentioned. To this M. *Colbert* answered, that this Article touching the Elector of *Bavaria*, came to them ready drawn from *Paris* ;  
and

and he thought that the Emperor had already, at the Motion of the Elector, agreed to this Clause. Thus he pass'd over this Objection, as if the Mediator had nothing to say, where the Parties are agreed, as he would have me believe they are, in this great *Elogie* to be given to that Elector. But they are so far from agreeing, that M. *Stradtsmann* shewing me in Confidence, this Clause that the *Imperialists* had received from the Auditor on *Friday*, (that is 3 Days before it was communicated to me) said, it was put upon them *pour la honte & le opprobre de l'Empereur & de tout l'Empire*. Besides, he observed to me, that in another Clause that follows this, for that Elector's Indemnity, all the Pretensions that his Highness the Prince Elector *Palatine* hath to several Things depending between him and that Elector, are anew transferred and secured to the Elector of *Bavaria*.

UPON the whole Matter, I most humbly desire his Majesty would be pleased to consider, whether it would not be more suitable to his Royal Judgment, to pass by a Complement that is like to be but very much straitned at the best, than stand in the same Paragraph with such a Rival, so affectedly set up as this Elector is. I mention it, because 'tis my humble Opinion, that to have laboured in the Work, as his Majesty has done, and still does, and intends to do all along, and to leave this Flourish to that Prince, who hath gone so far about to compass it, will diminish nothing, but rather add to the Lustre of his Merit.

FROM the *French*, I went to the *Lorain* Minister, who is extremely sensible of his Majesty's Favour and Grace to his Master; all that he desired was, that I would write to Sir *W. Temple*, for his good Offices at the *Hague*, to procure vigorous Orders to the *Dutch* Ambassadors in *France*; but he, I perceive, and M. *Balbases*, have given different Opinions of what the *Imperial* Ambassadors will do touching *Lorain*; the Marquis says, they will make their Peace, and leave *Lorain* to follow after as it can: M. *Cannon* says, their Orders are express, not to conclude without finishing the Affair of *Lorain*.

THERE passes nothing between the *Imperialists* and the *French* touching the General Peace, that I can penetrate; one Embassy says of another, that the adverse Party is in Expectation of Orders; but the *French* told me this Day, they expect none, nor cannot go off from *Friburgh*, tho' they have Intimations, they may have *Philipsburgh*; they told me indeed, the *Imperialists* expect new Orders, but they must come quickly and close, or else we shall hear of new Preparations as soon as this Month is out.

I have gone since my last between the *Swedens* and the *Imperialists*, but find nothing is to be brought to Effect between them, but as Affairs move between the *Imperialists* and the *French*. I am, &c.

*L. Jenkins.*

*Nimeguen, 12th Dec. 1678.*

*Right Honourable SIR,*

SINCE my last, which was the 9th, we have no Letters from that Side come in.

WE have nothing new in relation to the Peace between the Emperor and *France*; the *French* received a Courier on *Tuesday*, but he brought nothing (as M. *Colbert* told me yesterday) relating to the Subject Matter of the Treaty; the Sum of his Dispatch was, that they were ordered to acquaint the Mediators, that the Most Christian King was resolved to stay

## 516 *Letters from the Embassy at Nimeguen.*

no longer than the *11th* for the Ratifications from *Madrid*, but to begin the War again upon *Spain*, only that he would attack no strong Place in the *Spanish Netherlands*, but make good his Promise to the States General, which M. *d'Avaux* had Orders at the same Time to acquaint them with; but the Ratifications being (as he express'd it) luckily changed within the 'Time, they had no more to do, but send back the Courier.

M. *Colbert* says, his King will not suffer either the *Imperialists* or M. *Cannon* to go off from the Option they have made; and that they, the *French*, will not accept of *Philipsburgh* as an Equivalent in lieu of *Friburgh*, this last Place being more for their Convenience in divers Respects, and carrying much less of Envy with it, than the other did.

M. *Colbert* observ'd to me, there are now but 10 Days unexpired of the Time; during which, they will be bound to stand to, and make good the Conditions they propos'd in *April*; and M. *d'Estrades* told me, they would infallibly produce new Conditions as soon as this Month is up, adding, they should now, upon the emptying of the *Spanish* Places, have 20000 Men more to pour into the Empire.

As for the Treaty between the Emperor and *Sweden*, tho' many of the Articles they do not fully agree in; yet in going so often as I do, and have done, between them, I perceive, that if the *French* and *Imperialists* agree in their Treaty, it will be no hard Matter to reconcile the *Swedes* with the *Imperialists*: The Articles that the *Swedes* have in common with the *French*, to stipulate from the *Imperialists*, being the only Articles that are of Weight; and if it could be agreed what the Emperor and the Empire are to do, or rather suffer to be done, by *France*, for the restoring of *Sweden*, no other Difficulty would hold us long.

M. *Stradtsman* told me plainly enough, they, the *Imperialists*, would try to make up their Business with the *French* in the first Place; that being done, the *Swedes*, he said, would follow after; but while it was not done, it was in Vain to labour to bring the *Swedes* to any Point.

IN the mean Time, the *Northern* Allies cry out upon the *Imperialists*, for that they have given out *Contre-Projects* to the *French* and *Swedes*, not only to the extream Prejudice of their Part in the common Cause, but also without giving them any Notice of what they intended to do, as they are bound by very strict Engagements.

THE Elector of *Brandenburgh* hath writ to the Emperor, (after he had seen these *Contre-Projects*) his Ministers also have spoke at *Ratisbone*, in a Language not usual. M. *de los Balbascos* tells me, he is scandalized with what was spoke at *Ratisbone*; and the *Swedes* Ambassadors told me yesterday, the Elector's Letter to the Emperor (of the 24<sup>th</sup> p<sup>st</sup>) is very extraordinary. M. *Blaspiel's* Complaints, in a Conversation I had with him on *Tuesday*, were very high upon this Subject; yet here is a Belief, that the House of *Brunswick*, and the Bishop of *Munster*, are leaving of the Elector, and making their Peace apart, which yet does not appear to me so near at Hand.

M. *de los Balbascos* told me, 'tis now the great Point in Debate, but yet undecided at *Ratisbone*, whether the Emperor or Empire shall take upon themselves to restore *Sweden*, by the same Method and Means, that any Prince, dispossessed of his Rights, were to be restored by the Constitutions of the Empire; or else, whether they should leave that Work to *France*, to bring it about as it can.

THE *Dutch* Ambassadors finding the Commerce much interrupted in the *Baltick*, by the *Swedish* and *Danish* Men of War, the one searching for

for the Goods of the other in the *Dutch* Merchants Ships, and, as they tell me, *English* Ships too, have desired from the *Danish* Ambassador a Declaration, that *a free Ship makes free Goods*; his Answer was no other, 'but that he would write; they desired me to pass my Offices with the *Suedes*, to procure from them the like Declaration; their Answer was, that this was already sufficiently declared in the provisional Treaty now in Force between them and *Holland*; that they were ready to renew and confirm it by a Treaty of Peace; besides, they knew of no Breaches in the Cases complained of.

I could not pass this Post, without speaking with the *Dutch* Ambassadors and M. *Stradtsman*; the first have a Plan to propose from their Masters to the *Imperialists* and the *French*, but dare not yet produce it, because they find the Parties at too great a Distance the one from the other, to hope for any good Success from any Temperament: They have News from the *Hague*, that the *French* will attack *Strasburgh*, *Treves*, and *Cologn*, 'ere long; and that M. *Stradtsman* says, they, the *Imperialists*, will insist finally upon *Friburgh*. I let him know what likelihood there is, the Parliament will press the recalling of our Troops from *Flanders*. He says, the Emperor will make the Peace without the Duke of *Lorain*.

I beseech you, SIR, not to forget to send me the Favour of your Reflexions upon the Article I sent you in my last, touching the Elector of *Bavaria's* Offices for the Peace; the Bishop of *Gurck* told me, as the Auditor did him, that if the Nuncio had been to be named in, or to sign the Instrument of Peace, he would oppose the inserting of such a Clause into a Preface, where the Pope was Mediator. I am, &c.

*L. Jenkins.*

*Nimeguen, 16th Dec. 1678.*

*Right Honourable SIR,*

**M**Y last was of the 12<sup>th</sup>; we have since no Letters from that Side, the last that came to Hand being of the 3<sup>d</sup>.

ON *Thursday* late, M. *Stradtsman* came to me from his Collegues, and desired me to let the *French* Ambassadors know, they, the *Imperialists*, longed for their Answer, upon what had been offered them the 11<sup>th</sup> of this Month, touching *Philipsburgh*; and that they were ready to enter into Conference with them upon the Differences between the two Projects.

To this the *French* answered, that they gave a categorical Answer at the same Time the Proposition was made to them, to this Effect; that they would not take *Philipsburgh* and leave *Friburgh*, neither by giving Way to a new Option, nor by Way of Equivalent, *France* being under no Obligation to suffer the *Imperialists* to chuse anew; and the *French* Ambassadors do not think fit to accept of this Equivalent, as being not so convenient for *France* as *Friburgh* is. As for entering into Conferences, they are willing to do it, but expect the *Imperialists* give them new Assurances that they shall have no further Difficulties about some certain Points they were once agreed on.

I finding that there was, and is still, a great Misunderstanding between the Parties, touching this Answer alledged by the *French* to have been given the Nuncio, but denied by the *Imperialists* to have been ever brought them, thought it safest to take in Writing what each Party said, both



both Sides being somewhat rough at this Time; the *Imperialists*, because they cannot have *Friburgh* back again for such an Equivalent as M. *Alburt* did some Months ago prize very much above *Friburgh*; and the *French*, for having opened themselves too freely about the Dependencies of *Friburgh*, and yielded to accept of 3 Villages only; whereas their Orders were not to do it till they were sure of *Friburgh*, and that the *Imperialists* were so fast, as to have no Pretence to go back.

BUT tho' this Point were over, I do not find any Expedient in View for the compoling of the Affair of the Duke of *Lorain*, without whom, M. *Stradtjman* told me, the Emperor will not make his own Peace; nor is the Point of assisting *Sweden*, any nearer an Adjustment than it was some Months ago, only the *Swedish* Ambassadors have their Courier come back at last; what Facilities he brings, I cannot yet learn; M. *d'Olieenkrantz* was somewhat close to me upon that Subject last Night, all he said was, that the adjusting of that great Article depended upon that which *France* should be willing to act, and should be able to stipulate by its Treaty with the Emperor, in Order to the Assistance of *Sweden*; meaning (as I understood him) that they, the *Swedes*, would lie upon the Reserve, and keep it in their own Choice, to accept or refuse the Conditions and Measures the *French* Ambassadors should be ready to enter into with the *Imperialists*, for the restoring of *Sweden*.

HE says, they can by no Means accept, nor endure that *France* do take upon it the Mediation, as 'tis proposed by the *Imperialists* in their *Contre-Project*, least *Sweden* be thought to have thereby dispensed with the *French* from pursuing the Re-establishment of that Crown by the Way of Arms; and least they should enter into Concert with the Emperor, *Spain*, and those States, to impose Conditions upon *Sweden* (which the *Contre-Project* seems to point at) without making the Concurrence or Approbation of *Sweden* in any Degree requisite to the concerting of such Conditions.

HE says further, that they, the *Swedes*, are not to suffer any such Supposal to enter into their Treaty, as that the *Treaties of Westphalia* may receive some Alteration in them for Peace Sake; for if they once yield to such a Supposal, the Allies in the North will combine more strongly to have some of the *Swedish* Territories transferr'd to them, and contend that that Supposal was agreed on, to make the Way more easy to such a Transference.

BUT 'tis a Wonder the *Swedes* can be so unconcern'd in the general, as to hasten their Peace with the Emperor no more than they have done of late, there being so little to hope for from the Posture of their own Arms, and so little of Certainty, that the Operations of the Arms of *France* will be directed principally to their Advantage, I mean, to their speedy Restitution.

AND there is a little Likelihood of their coming to a speedy Conclusion with the *Dutch* upon their *Treaties of Peace and Commerce*. I was on *Friday* upon my Offices with the *Dutch* Ambassadors, being charg'd with a compleat Treaty of Commerce from the *Swedes*, consisting of 73 long Articles, which I shall not be able to send you till the next, when 'tis possible I may have the Remarks of the *Dutch* Ambassadors; if so, I shall be able to send you by Way of Apostils, wherein the *Dutch* will have released themselves of those Grievances that are common to us and them, I mean those 10 Grievances you gave in to M. *d'Olieenkrantz* while on that Side, and that you were pleas'd to send me in *September* last, which, upon this Occasion, I have now before me.

## Letters from the Embassy at Nimeguen. 519

ONE Thing I was forced to mingle with my Offices upon this Project, in which his Majesty hath an Interest, it is in the 22<sup>th</sup> Article, wherein 'tis determined how long free Goods taken in the Ship of a Neighbour become unfree, after the declaring of a War between him and either of the Parties; it is said, — *in aliquo portu vel loco maris Baltici aut Borealis intra terminum vel locum the Soundings vocatum & terminum qui Terneuse dicitur in Norvegia*. I desired M. *Beverning*, who drew up these Articles, to look how it is in the Treaty between his Majesty and the States. In the Treaty of *Breda*, there is an express Difference between *fretum Britannicum & Mare Boreale*, but in no Map or Writer is all that Tract of Sea between those two Boundaries called *Mare Boreale*, but *hoc Itacus velit*. To this Observation the *Dutch* Ambassadors did not answer one Word: But as to any nearer Approaches between them and the *Swedes*, there is yet no Appearance; they seem both of them immovably fixt upon different Tariffs, and upon several other Points of Moment. I am, &c.

L. Jenkins.

Nimeguen, 19<sup>th</sup> Dec. 1678.

Right Honourable SIR,

MY last was of the 16<sup>th</sup>, since which I received the Favour of yours of the 6<sup>th</sup> Current. I have already been with M. *Heugh*, to deliver the Complement which his Majesty hath commanded, and he took this Return very kindly.

WE are now getting another Way of Negotiating all upon the sudden. I gave you an Account in my last, how the *French*, in their Answer to the *Imperialists*, had declared, they would keep *Friburgh*, and not *Philipsburgh*; besides, they would then enter into the Conferences desired by the *Imperialists*, when they should have that confirmed unto them, which the *Imperialists* had once agreed to.

ON *Tuesday* the *Imperialists* brought me several Articles for the quitting of *Friburgh*, and the retaining of *Philipsburgh*, which they desired me to put into the Hands of the *French*, as part of their Contre-project; desiring me at the same Time to demand Conferences of them: This I did forthwith, and the *French* unexpectedly accepted the Offer of Conferences, reserving to themselves to speak to those Articles about *Friburgh* at those Conferences, but not mentioning to have further Satisfaction in the Points of *Lorain* and *Sweden*, which were Things they had formerly alledged as necessary to be adjusted before they should come to Conferences. They told me at the same Time, that they had considered of the Stadthouse as a convenient Place for them and their Allies, and therefore desired me to speak to the Magistrates to get them furnished; and to that End, to call to the *Dutch* Ambassadors, for the better quickening of them.

THIS the *Imperialists* liked of very well, only said, they would have been very well content to have had the Conferences in my House; and the other Mediator now declining to have any Publick Part in the Negotiation, they could not choose, they said, but desire, that my House might be the Place.

THIS Morning we met at the Stadthouse at 10; the *French* began with their Preface altered, as you'll find it inclosed, if it be possible to get it transcribed before the Post goes, I having been forced to leave it in the Hands of the *Imperialists*, and demanded likewise the Admission of the *Sieur Ducker*.

THE

## 520 *Letters from the Embassy at Nimeguen.*

THE *Swedes* began with 3 Articles. I propos'd all to the *Imperialists* in their Room, but have not a Word of Answer from them: The Reason is, a strange unexpected Incident, which, for ought I see, will break the Congress as soon as it is begun. For M. *Heugh* and M. *Blaspiel* rendered themselves at the Appartment which the *Imperialists* had, at the Hour of 10 and 11, before they came; and it did much amaze the *Imperialists*, when it was told them, that those two Ambassadors intended to be present at every Thing that should pass relating to the Interests of their Masters. The *Imperialists* laboured all they could to have them withdraw, but they would not; and they were present, and took Notes, all the while I was giving them an Account of what the *French* desired. The *Imperialists* would by all Means have broke up the Meeting, and not come in the Afternoon; 'twas with much ado I prevail'd with them to come again at 4. I am now going to the *Dutch*, to see if there be any Means to satisfy M. *Heugh* and *Blaspiel*; their Pretence is high; they will be admitted to all Conferences of their Allies, or else they will forthwith leave *Nimeguen*. If this Incident should be over, yet I have nothing to lay before you by way of Conjecture, what the Issue of these Conferences will be.

I pray favour me with his Majesty's Pleasure upon the Preface, whether he would have any Thing added or altered, and what. I am, &c.

*L. Jenkins.*

*Nimeguen, 23<sup>d</sup> Dec. 1678.*

Right Honourable SIR,

I Must beg your Respite, till I am able to send you (which, I hope, will be within a few Days) some Account of what passes in our Conferences here; the *French* Ambassadors have declared (but too plainly) this Morning, that they can come to no easier Terms about *Lorain*; only they will leave the Nomination of the Bishoprick of *Toul* to that Duke, if the Court of *Rome* will give it him. Upon the *Swedish* Articles, they have declared themselves in general Terms only. I am, &c.

*L. Jenkins.*

*Nimeguen, 26<sup>th</sup> Dec. 1678.*

Right Honourable SIR,

MY last was of the 23<sup>d</sup> past, I have no Time to add any Thing but the Journal inclosed.

THE *French* Ambassadors came at 3, to denounce to me, that the King their Master hath consented to prolong the Term for 15 Days, that is, to the 15 of *January*, *N. S.* that Term being expired, he pretends to be tied no longer to the Conditions in *April* last, and that it cannot suit with his Honour to suffer his Ambassadors to stay here any longer. This will strike a Damp upon all our Conferences. I have spent this Morning till two with the *Imperialists*. I am to meet again at 5, to have from them what Facilities they can upon the great Articles of *Lorain* and the *North*. If the Emperor will abandon the Duke of *Lorain*, I think the Peace may be made in the remaining 10 Days. I am going to the *Dutch* Ambassadors, to acquaint them with this News, which will be very sad and unwelcome to them, as well as to all here. I am, &c.

*L. Jenkins.*  
A Journal

## A Journal of the Conferences, 19<sup>th</sup> of December, 1678, at the Stadthouse.

THE Hour of 10 being agreed over Night for the Conferences; the *French* Ambassadors were the first that came, the *Swede* next, and last of all the *Imperialists*. I did the Honours of the House to each Embassy, receiving them at the respective outward Door, and conducting them to their several Apartments.

M. *Kinski* being the first that came of the *Imperialists*, M. *Heugh* and *Blaspiel*, the *Danish* and *Brandenburgh* Ambassadors, presented themselves, and went into the Apartment of the *Imperialists*; M. *Gurck* and *Stradtzman* came close upon them, but were exceedingly surprized to find them there. I left them expostulating with one another: The *Imperial* Embassy urging, that that Apartment, and the Business of the Day, did belong especially to them; the others finding Fault, that they were not invited to it, as to a Place, and to Conferences, that they had a common Interest in.

FROM them I went to the *French* Ambassadors, and they agreeing to go on upon the Contre-project of the *Imperialists*, they gave me their own Project for a Preface, there being no Preface given in by the *Imperialists*; they said, they had endeavoured to satisfy what I had taken Notice of to them in his Majesty's Behalf; having in this Preface mentioned expressly, 1. The King's Mediation. 2. The continuing of his Offices from the Beginning to this Time. And, 3. The naming of his Ministers; leaving it to the *Imperialists*, if they should think fit, to express any Thing further of Respect to his Majesty, or to express it in any other Way.

AFTER the Preface, they took the 1<sup>st</sup> Article in Hand, and excepted against the Names or Stiles of the Parties made to intervene as Principals in this Treaty.

WHERE it is said by the *Imperialists*, *inter S. C. Majestatem & Imperium*, they would have it *inter S. C. Majestatem, & suos in Imperio federatos*. They would not, they said, engage the King their Master (as he would be by the signing of this Treaty) to keep the Peace towards the Empire, and the Emperor not engaged in the same Manner to keep the Peace toward him.

FOR the *Imperial* Ambassadors, their Power being only to Treat for the Emperor, they could not engage the Empire; and tho' they should promise to do it, and sign in the Name of the Empire, the Dyet at *Ratisben* would not be obliged to ratify it; and tho' the *Imperialists* should promise a Ratification from the Dyet, yet, according to the ordinary Method and Delays of those Assemblies, there would be several Ways to defeat the ratifying of it; some pretending not to be instructed, others, especially the Allies of the Princes of the *North*, utterly opposing it; so that this Treaty would be wholly illusory; and the main Business which they, the *French*, aim at, being the Restitution of *Sweden*, the Emperor as well as the Empire would be left to an After-game, and the Advantage of this Campaign may be wholly lost, and an Army of 200,000 Men kept on Foot to no Effect.

THEY excepted likewise against the naming of the Catholick King, in the same Article as a Party principal; saying, that *France* hath made a Peace with that King, which they will religiously observe; and there-

fore that they do not see to what End that King should be made a Party to this Peace, since they will be at Liberty to take him in as an Ally, in the Article that shall be in the End for the Inclusion of Allies.

THEY excepted against the Words *totamq; Domum Austriacam*; they knew none that are of that House, they said, but the Emperor and the King of *Spain*; and they have more Reason to say, *la Tres Auguste Maisen de Bourbon*, if they would stand upon such Flourishes.

THE 2<sup>d</sup> Article being about the Amnesty, they had nothing to oppose to it, as far as it is taken Word for Word out of the Treaty of *Munster*, but their being a Clause in it, that the Most Christian King shall compound with the Princes of the Empire, for the Damages his Armies have done them, they could by no Means pass that, their King having a more justifiable Plea to demand Reparation for himself, to the Value of 500 Millions, expended in this War.

THE 3<sup>d</sup> Article of Neutrality was, they said, superfluous, as far as it agrees with the like Article in the Treaty of *Munster*, since both Sides intended to give that Treaty its perfect Force and Vigour again; but there being in it several Words and Clauses that are too general and ambiguous, as *Subditis et cassallis*, &c. *commotionem et defectionem*, &c. they desired there might be no such Word or Expression, since such Consequences as are not yet thought of, may hereafter be drawn from those Words; at least the Words will seem to fall on a Suspicion upon *France*.

THE 4<sup>th</sup> Article is, for the re-establishing the Treaty of *Munster*, which they allow as necessary to be done; and therefore offer, that either the whole Treaty of *Munster* may be transcribed Word for Word, and inserted in the Body of this Treaty of *Nimeguen*, or else that there be no Article of it repeated (saving that of the Amnesty only); but that a firm Clause or Article be drawn up and agreed, to establish it in all its Points: To that Purpose they put into my Hand a Project of one Article, wherein the 1<sup>st</sup> and the 4<sup>th</sup> of the *Imperialists* were abridged; the 3<sup>d</sup> was left out, to be reserved and inserted, but with Alteration, in a more proper Place of the Treaty; the 2<sup>d</sup> being that of the Amnesty, they set down at large, it being necessary to do so, which way soever should be chosen to restore the Treaty of *Munster*; for since the Article of Amnesty in that Treaty does not look forward, 'tis necessary that an Amnesty here should be made to look backward to the Beginning of the War.

BEING thus charged by the *French* Ambassadors with the Preface, and the Remarks upon the four first Articles of the *Imperial* Contre-project, as also with a Project to reduce those four into one Article of their own; I went to the *Suedes*, and they charged me with the Exception they took to the three first Articles in the Contre-project, that the *Imperialists* had given in to their Project.

IN the 1<sup>st</sup> Article they could not be satisfied, they said, with the Stile of *Romanum Imperium*, till they saw a sufficient Power from the Empire, as they acknowledged that from the Emperor to his Ambassadors to be.

THE 2<sup>d</sup> Article of the Amnesty they agreed to as the *Imperialists* had projected it.

THE 3<sup>d</sup> Article, for the restoring of the Treaty of *Osnaburgh*, is short in the Expressions they would have; and it being the main of their Business to have the Establishment of that Treaty agreed, before they pass on to any Thing else, they could not but adhere to the Article as they had projected it; it is the 2<sup>d</sup> in the Project, for the full Restitution of the Treaty of *Munster* in all its Articles.

BEING thus charged by both these Ambassadors, I went to the *Imperialists*, but found them engaged in the Incident abovementioned, between them and M. *Heugh* and *Blaspeil*, which was thus: I went on and opened to them all that the *French* Ambassadors had said upon the four first Articles of their Contre-project; they took Notes of what I said, so did M. *Heugh* and *Blaspiel*; all that the *Imperialists* then answered was, they would take Time to consider, and give me their Answer, which I expected to have had in the Afternoon; but so it happened, that the greatest Part of that Afternoon was spent in reconciling them with the *Danish* and *Brandenburgh* Ambassadors.

THE *Danish* and *Brandenburgh* Ambassadors were at last content to retreat to a Chamber apart, which was hung and prepared for them that Night; it was the Anti-chamber to the *Imperialists*, but there was another Door found for them to go in and out at. The *Imperialists*, on their Side, promised to communicate with them according to the Obligation they were under by their Alliance.

WHEN the *Imperialists* were thus discharged of the *Danish* and *Brandenburgh* Ambassadors, I laid before them the Objections that the *Swedes* had made to the three first Articles; they took Time to consider of them till next Morning: So having taken a Promise from them to meet on *Friday* the 20th, the Assembly broke up; I having first acquainted the *French* and *Swede* Ambassadors, that I had not that Night any Return to those Objections, by reason the Incident between the *Imperialists* and their Allies had taken up all our Time.

BUT this Day being the first Day of the Conference, and the last Day save one of this Month, *N. S.* beyond which the *French* had declared in Writing, and protested in Print, that the King their Master would not be tied to the Conditions of Peace he had offered in *April* last; I did (*ex officio*) desire that no Advantage might be taken of that Declaration, and that our being entered thus into Conference, should be understood to suspend the Effects of it; wherefore I did request them to secure for us a longer Term for our Conference, by reason of the Intricacy and Multiplicity of Matters before us: M. *Colbert* took this to be done at the Suggestion and Request of the *Imperialists*; but I told him, they never desired any such Thing of me, nor made any mention of it: They did not only not grant me any Thing upon this Point, but refused to write to their Court upon this Motion of mine. They said, they had already writ to desire that 8 or 10 Days might break no Squares, in case the *Imperialists* should come to a close by that Time; but they durst not write to have the Term prolong'd, for that 15 Days would be run out, before their Court could send them an Answer hither; and that they could not hope for any Term beyond that, nor for so much Respite, in case there should be no Certainty of a Peace.

THIS Motion *ex officio*, I had thought on as soon as the Conference were agreed to, but I had resolved to let it alone upon that Consideration, that the very accepting of the Conference, was in itself a suspending of the *French* Menace, and would put them to a new Declaration. But when the *Dutch* Ambassadors came, by Order of the States, to request me to propose a longer Term, I thought safest to do it; they did it on the other Side; and, as they told me that Night, succeeded no better than I did; all that they could get from the *French* being, that they would not break off the Conference, till they had Orders so to do.

*Friday, 20th December, at 9.*

TO the Preface of the *French* Ambassadors, and to their Project of one Article, in lieu of the first four that are in the *Contre-Project* of the *Imperialists*; they, the *Imperialists*, answered, that they accept of the one and the other, and having had them over Night, they gave both the one and the other to me, translated into *Latin*, since that was to be the Language of the Treaty; observing to me, how they had taken the Liberty of putting in a Word or two, for the better acknowledging of what his Majesty had done.

HEREUPON I took Occasion to tell them, that his Majesty having an Interest in the Preface, I did desire and reserve to myself a Liberty to offer unto them Alterations, if his Majesty desired any should be made in it, and so that I might not be concluded by their agreeing to that of the *French*; which they allowed of.

As to the Project, they desired, that in lieu of these Words — *Comme aussi entre tous les Alliez & adherans de S. M. Imp. dans l'Empire*, it should be said, *Inter S. C. M. & Imperium*. For these Reasons.

HERE I must take leave to put down their Answer in *Latin*, for they are pleased to bring their Reasons and Arguments ready penn'd in *Latin*, and so keep me to their precise Words, which they dictate, and I set down in Writing; besides that, they manage the Conference itself in *Latin*.

1. *Imperator non potest separari ab Imperio.*

2. *In Conditionibus à Rege Christianissimo 15 Aprilis 1678. propositis de Pace cum Imperio pariter atque Imperatore incunda decernitur; in Declarationibus etiam à Legatione Gallica 23 & 30 Octob. ut & 30 Novemb. ratio habetur Imperii tanquam partis quæ in hoc Tractatu paciscentis locum habere debet.*

3. *Quando actum fuit non ita pridem Ratisbonæ num Deputati aliquot S. R. Imperii huc Noziomagum delegandi forent, eo tandem decentum est, ut ex conclusio Generali Dictæ rogaretur Imperator, uti per suam Legationem hic subsistentem res Imperii agi curaret, & ut de iis quæ acta hic ferebant communicaretur cum Imperio uti fit.*

4. *Legatio Casarea spondere parata est, se Ratificationem ex parte Imperii intra octo Septimanas exhibituram esse — uti patet ex Projecto.*

5. *Suggeri potest Legatio Suecica plurimum interesse Coronæ illius ut Pax cudatur cum Imperio isto nomine debeantur ergo illa — Entre tous les Alliez & adherens de S. M. Imp. dans l'Empire.*

*Verba ista dans l'Empire deteri postulat Legatio Casarea sed ita quibus insistere apud Legationem Gallicam operæ pretium non duxit.*

*Cum omisisset Legatio Gallica Domum Austriacam in Projecto suo, restitui debere contendit Casarea ex antiquo stylo etiam in Tractatibus Westphalicis firmato; omisserat Legatio Gallica in eodem Article Clausulam ratione damnum tamen & deleri debere contendit: reponunt Casarea istam Clausulam non solum summa equitati initi, sed etiam Resolutioni in Aula Suecica Ministro Casaræo communicatæ 13 Decemb. 1673. conformem esse; — impressa est hæc resolutio apud Brezeorum subjunxerunt Casaræi clausulam Gaudeantque ad calcem Art. de Amnestia, quippe quam transumpserant mutatis mutandis ex Tract. Monasteriensis.*

THESE Remarks of the *Imperialists* upon the Preface and *French* Project, of one Article in lieu of four, I communicated to the *French* Ambassadors at 11. As to his Majesty's Part in the Preface, they allow'd of the little Amplification the *Imperialists* had made; and that I

was not to be concluded by their Agreement; but that I might offer any Alteration his Majesty should think fit.

THEY then gave me the Preface in *Latin* of their own, or rather Word for Word out of the Treaty of *Munster*; giving his Majesty and his Ministers here, no more than the Republick of *Venice* and her's hath in that Treaty; but in this Preface, there was a Clause touching the Elector of *Bavaria's* Mediatory Offices; their Desire was, that the *Imperialists* would admit it to be part of the Treaty, and *accordé des à present*: But in Case the Emperor should not, before the Time of signing, give his Ambassadors Orders to pass it as now it is, they were content it should be left out when the Treaty was signed: These were the Directions they had, they said, from Cardinal *d'Estrées*.

As to the Article that was to be the first in the Peace, in lieu of the 4 first in the *Imperial* Contre-Project, they desired it might pass as they had projected it, and it was with very much ado they were brought to go on further, saving to themselves their Exceptions,

1. AGAINST the Word *Imperium*.
2. AGAINST the Words *Domum Austriacam*.
3. AGAINST the Clause *Gaudeantque*. And,
4. THEIR Reasons against changing the Word *dans l'Empire*, into these, *in hac Pace comprehensos*.

FOR the first, they said, they desired nothing more than to treat with the Empire, but then they require sufficient Powers in those that shall treat with them in the Name of the Empire; the Powers that the *Imperial* Ambassadors have, being to treat for the Emperor only.

2. THAT they cannot allow of that Maxim, that the Emperor and Empire are inseparable; the Emperor may do Things separately from the Empire, the Experience of Times past hath shewed it, and the League of the *Rhine* was made to prevent it.

3. THEY allow, that in the Conditions of *April*, and the Declarations abovesited, they had in View the making of a Peace with the Empire, but not with these Ambassadors acting in the Name of the Empire, without Orders so to do.

4. THE *Conclusum* of the Empire above pretended, is not sufficient to that Effect; however, why is it not exhibited? they are informed there was never any such *Conclusum* past.

5. THE Offer made to procure the Ratification of the Empire is not sufficient; the Empire may refuse it, having never engaged by *Plenipouvoir* to furnish any: And the Princes of the *North* will do what they can to obstruct it. In the mean while, what will become of *Sweden*, that is declared by the Empire to be *Ecclésiè de tous ses Droitz*? Since here will be the Name only of the Empire used, but no Act nor Power from it to restore it again from the Words. As to the *Domum Austriacam*, and *Dans l'Empire*; the Reasoning was the same as above.

As to the Clause *Gaudeantque*, they added only this to what they had said before, to wit, if there were need of any such Clause or Article, for a Cover to particular Persons, or a Help in difficult Cases, they would consent to it in the proper Place, where particular Persons, and Cases, will come in toward the End of the Treaty.

HAVING yesterday proposed, as is above, 3 Articles from the *Sweedes* to the *Imperialists*, I had much ado to get any Answer from them, they would needs put me off till they had made some good Progress, if not concluded with the *French*. At last they insisted, that the same Name and Style of the Party contracting with *Sweden*, viz. *S. C. M. & Imperium* should stand; — for the same Reasons given me towards the *French*, for the



the *Swedish* Ambassadors had declared to, they desired a Peace with the Empire as well as the Emperor; and therefore it was necessary to make the Empire a Party Principal contracting.

As the *French* had the Words *dans l'Empire*, so the *Swedes* had in *Imperio*, these Words the *Imperialists* desired might be struck out, and the Words *hac Pace comprehensus* put in their Stead.

THE 2<sup>d</sup> Article being that of the *Amnesty*, and the same in both Projects, they confessed to agree.

As to the 3<sup>d</sup> Article, which is for the establishing of the *Osnaburgh* Treaty, the *Imperialists* did adhere to the *Contre-Project*, and that it was in vain, they said, to contend about the Words for the re-establishing it, till the Means and Measures for the restoring of *Sweden* should be agreed between them, the *Imperialists*, and the *French* Ambassadors; therefore it was their Opinion and Desire, not to spend any farther Time or Pains in debating the *Swedish* Project, till they see more clearly what was like to be the Issue between them and *France*; only they offered the *Swedes*, if they pleas'd, that the *French* Project of one Article should stand in lieu of the three projected between them and the *Swedes*.

I went strait and communicated this to the *Swedish* Ambassadors; their Answer was,

First, THAT their Orders were exprefs, and their Interest most important, to make a Peace with the Empire, as well as with the Emperor: But that they could not do it, if the Empire did not legally and fully intervene as a Party Principal; and that that could not be without a *Plenipouvoir* in the usual Form. What I told them of the *Conclusum* of the Empire as above, they desired to have a Copy of the *Conclusum*, before they could answer upon it.

As to the Offer made them of the *French* Article in lieu of their three, they could not accept of it, it did not comprehend their Business as they desired it, and however the *Imperialists* and the *French* may be agreed, (as they are) by what Words the Treaty of *Munster* is to stand restored between them, yet they, the *Swedes*, cannot go less than the Words they have projected, for the restoring of the *Osnaburgh* Treaty between them and the Emperor, it being the Hinge upon which all their Affairs turns.

As to the *Overture* of the *Imperialists*, that the *Swedes* should suffer them to make some Progress, and agree of the Means and Measures for the restoring of *Sweden*, before the Debates between the *Swedes* and the *Imperialists* be brought further on, they must oppose that Method; they cannot give Way that the *French* shall agree to any Means or Measures for their Restitution, unless this Point be first agreed, of restoring the Treaty of *Osnaburgh* to its full Vigour in all its Points. But as to the adjourning of the Debate, how the Empire can come in as a Party to their Treaty, they were content to let it lie still for the present, as the *French* had done, and to go on in their Articles.

AFTER which, the Assembly broke up at 2, and met again at 4.

THE rest of the Conferences being chiefly about Words, and particular Expressions, or some other Niceties, which were not received into the Treaties, and the Substance of them sufficiently mentioned in the Letters themselves, are here purposely discontinu'd; and 'tis hoped, this Specimen is enough to show the Nature and Fatigue of them, as well as the great Abilities of the Person that managed them.

*Nimeguen, 30th Dec. 1678.*

Right Honourable SIR,

I Have now the Favour of yours of the 10th, 17th, and 24th, (which came in a Manner together) to acknowledge.

WHAT you are pleased to direct in that of the 10th, in order to the relieving ourselves from the Grievances given our Trade in *Swedeland*, I have not yet had Time to put to M. d'*Olivekrantz*, he, as well as others, being at this Time in perpetual Hurry and Application to the Business of our Conference, but hope to give you an Account of the Powers he may have relating to our Commerce by the next.

WHEN the Minister of *Cologne* comes to Town, I shall let him know the Protection his Majesty is pleased to afford to that City.

I have done all Offices for the Prince of *Salme* that lie in my Power, both with the *French* to support, and with the *Imperialists* to admit his Pretensions; the Thing will depend upon the Firmness of the *French* to that Prince, for if they slacken, my Offices will be at an End; but pray be pleased to assure his Highness Prince *Rupert*, that I have all Care possible of the Prince's Business, and that I hope his Agent, whom I direct upon all Occasions the best I can, will say as much.

WHAT you are pleased to direct in that of the 17th, I performed immediately with the *Dutch* Ambassadors, as by his Majesty's Command, offering to join with them in any Expedient or Temperament they should suggest, in order to promote the Peace; desiring withal the Favour of their Reflexions or Advice upon all Occasions. I have lived with them, before the Receipt of your Letter, in that Confidence that I thought became me, considering the common Interests, as well as the present strict Alliance of his Majesty with the States. I communicated with them twice a Day what pass'd in the Conferences, unless when it happened to be too late at Night (the *Imperialists* sometimes continuing at the Stadthouse till 2 or 3 in the Morning). I could not give them Copies of Papers, because that was forbid me to do to any besides the adverse Parties.

THIS I take Leave to observe in their present Conduct, that if the Business go on well, and end in a Peace, they will be seen to have employed their Offices (not as Mediators, but) as common Friends, and having the Confidence of both Parties; if Things prove otherwise, as the strongest Appearances are at this Time for a Rupture, then they will keep off, and will say, and that truly too, I suppose, they can do nothing without Orders from their Masters.

AN Instance of this I have now before me; the *French* Ambassadors had in their first Project, as you'll find by the 33d Article of it, desired no more but that *France* might be at a full Liberty to make War upon the Enemies of *Sweden*. On *Friday* last, they gave in an Article, which goes herewith inclosed, whereby they demand, that *France* may stand possessed of certain Posts in the Empire, that shall be necessary for them to carry on the War in Favour of *Sweden*, till other fitter Means shall be agreed on, by common Consent, for the re-establishing of the Peace of *Westphalia*; and that those Posts shall be named in a separate Article.

THIS Demand of the *French* has changed the Face of the Conferences here, the *Imperialists* saying, they cannot possibly consent to any such Thing.

1. BECAUSE it is new, not being mentioned before either in the *French* or *Swedish* Projects. 2. It has no Example, that the *Imperialists* should assign Places in the Empire to a Stranger Force. 3. That if they pretended the Limitation of the Time to the 15th of *January N. S.* he kept to, it is impossible for them to know the Emperor's Mind within the Time. 4. That supposing the Emperor had this Proposition before him, it would not be possible for him to determine any Thing upon it, since 'tis relative to a separate Article, that shall contain the Names of the Places, which the *French* have not yet declared.

UPON this Incident, I was earnest with the *Dutch* Ambassadors, to do their best with the *French*, to give some Ease in this Article, at least to name the Places, and to give the *Imperialists* Time to consult the Emperor upon them. This they would not charge themselves withal, but looked upon it as a desperate Thing; and therefore sent a Courier to the *Hague*, to acquaint the States with it, and they expect no Answer till to Morrow; wherefore I take Leave to observe, that in Cases that are difficult, and where the Danger is imminent, and there is more need of their Offices, they will do nothing without the positive Directions of the States.

THE Conferences sticking here, the *French* were brought last Night to name the Places they pretend to hold; that is, 1. *Hay*. 2. *Le Châsselet*, a little Place near *Licge*. 3. *Verzeirs*. 4. *Aix la Chapelle*. 6. *Nays*. 7. *Ordinzen*. These Places I gave an Account of forthwith to the *Imperialists*, but left them last Night at 9, in a Resolution not to yield them; their Observation was, that these Places are no way proper for the Ends pretended; the Reason of War should have directed them to have made towards *Wesel*.

M. *Balbases* and M. *Beverning's* Reflexions are, that those Places are intended as a Barrier between the *French* and the *Low-Countries*, that the *Dutch* and *Flemings* may not come in the Rear of them; what the Resolutions of the *Imperialists* will be this Morning I am going to attend.

CONCERNING *Lorain*, the *French* persist in their first Rigours, without any Abatement; they will give no Ease to the High-ways demanded in Sovereignty, nor yield to any Expedient about *Nancy*; this being so, M. *Cannon* desired me to propose, that he may choose again, and come to the other Alternative, which was the Conditions of the *Pyrennees*; this they refused peremptorily, saying, they must hold him to his first Choice, tho' he alledged that Choice was not absolute, but conditional: Upon this Refusal, I desired he might have Time to write to his Master, to acquaint him, that both Alternatives were refused him; the first absolutely, as not being made Choice of; the second, as being interpreted with a Rigour, which the Letter of it will not bear; to this their Answer was, that they had no Power to give any longer Time than the 15th, *N. S.* and that if he made not his Peace by that Time, they must have the Duke named among the Enemies of *France*, (in the Article that goes herewith inclosed) that are not to be assisted directly or indirectly by the Emperor.

I have no Time to send you the full Transcript of my Journal; all there is in it are minute Things, the Determination whereof will not hold, except we could come to Expedients or Temperaments in the Business of *Lorain* and the *North*. It is the general Opinion, that the *French* will have no Peace; yet the *Imperialists*, in the Condition their Master is in, are not like to refuse them any Thing.

*Letters from the Embassy at Nimeguen.* 529

I am desired by M. *Balbases*, to send you the Account inclosed, of several Infractions already made by the *French* upon the Peace with *Spain*. I am, &c.

*L. Jenkins.*

*Nimeguen, 2 d Jan. 1678-9.*

Right Honourable SIR,

A New Incident coming in our Way, which is, that the Most Christian King prolongs the Term for a Fortnight longer, that is, to the last of this Month, *N. S.* I reserve myself to give you an Account of it by Express, the Conferences not allowing me Time to write by this Post. I am, &c.

*L. Jenkins.*

*Nimeguen, 2 d Jan. 1678.*

Right Honourable SIR,

I Can give you no better Account of our Conferences, since my last of the 30th, but that we have been every Day at them, without coming any nearer to a close in the two great Points of *Lorain* and the *North*.

FOR *Lorain*, the *French* will neither sweeten any Thing in the Words, wherewith they have extended the 2d Alternative, nor admit the *Lorain* Minister to make his Choice again, and take up the first; they tell me there is nothing to be done in it, in order to get any Ease, till after the Peace is made, that the Duke must do it himself, and they say it must be his own Fault, if Things do not then prove to his Mind.

THE *Imperialists* in this Point can do nothing to make a Peace, without the Duke of *Lorain*; and with his Consent it cannot be, for his Minister insists either to have an easier Explication of the Second Alternative, or else to have the first as 'tis proposed; but the *French* will grant him neither.

IN the 2d Point, concerning the *North*, the *French* gave in their *Ultimatum* by way of Article last Night, which goes herewith inclosed, wherein you'll find, that they demand Posts for their Troops, and do name them, as in my last; all the Ease they offer is, that this Article shall remain secret, and that they will admit of any common Article for an Introduction to it, such as the *Imperialists* shall be content with.

TO this the *Imperialists* answer first, that the Proposition is new, and that they cannot be instructed upon it within the Time fixed. 2. That the Bishop of *Colegn* and *Liege*, who is Lord of those Places, (except *Leunick*, which belongs to the Duke of *Nezeburgh*) may be treated with, who perhaps may be contented to yield them; but there is no Reason to bring the *Odium* of yielding them upon the Emperor. 3. That this Article, wherein several other Things are put that are extremely harsh, but perfectly needless, cannot possibly be a Secret; and consequently the Emperor will be loaded with the *Odium* of all: But all this I am apt to think the *Imperialists* will swallow, rather than continue the War, supposing there be no Way to save Appearances in the Matter of *Lorain*. As soon as we come to a Crisis, (as the *French* say they will negotiate no longer than *Sunday* next, which is the last Day of their Term) I shall give you an Account by Express what the Issue is; in the mean time, I find the *Dutch* Ambassadors are wary, not to give

any Hopes to the *Imperialists*, in that the States have sent a Courier to their Ambassadors in *France*, upon this new Demand of the States, least they should, in Hopes of some Relief from that Side, defer to conclude, and to do their utmost before the Time be lapsed.

M. *d'Olivenkranztz* saith, he hath no Commission to Treat here about our Commerce; he says, he sent the 10 Points you gave him to his Master, who sent them to be examined by his Senate at *Stockholm*; by the last Advices hither, the Resolution of the Senate was not returned to their King; he thinks it improbable, that his Master will order those Points to be Treated here, because his Majesty had expressed himself to him M. *d'Olivenkranztz*, that he desired they should be Treated at *London*.

HAVING gone thus far, I went to the Conferences, where I met with an Incident, that made me not commit this Letter to the Ordinary, but to stay and see how it would work, and then send you an Account of it by an Express. The Incident was this: The *French* Ambassadors came to me at the Conference, to tell me that the King their Master had prolonged the Term, and would stand to his first Conditions till the last Day of this Month of *January*, *N. S.* that in case the *Imperialists* should not conclude and sign their Peace within that Time, he would pretend, as an additional Article, that the Emperor should demolish *Philipsburgh*; and that if the *Imperialists* went on in a further Delay, and spent the whole Month of *February* without concluding, he would pretend to have the whole *Brissgau* quitted to him with *Friburgh*.

THIS I immediately communicated to the *Imperialists*, and another Article to the *Danes* that concerns them, which is, that if the King of *Denmark* does not make a Peace with *Sweden* before the End of this Month, the Most Christian King will be held no longer to the Conditions upon which he is now willing to make a Peace with *Denmark*. The Articles, as I took them from the Mouth of the *French* Ambassador, go herewith inclosed.

To this Respite of Time, the *Imperialists* answered nothing for the present, using a Word in *High-Dutch* that signified *respite from hanging*; and that this was much the same, since nothing of Moderation in the Conditions did accompany it. I put into their Hands the *French Ultimatum*, as they pretend, to have it pass'd in a secret Article, but had no Answer from them till late last Night, which is the *Latin* Article that goes inclosed.

IN it they come up to the Demand of the *French*, as to the naming of the Allies and the Neutrality, but they do not mention the Posts, nor promise that the Emperor shall not suffer those Princes that continue in the War, to have any Winter Quarters in the Empire, but keep them to their own Countries.

THESE Points the *French* have already insisted upon, and they are (as I am writing) in Deliberation with the *Swedes* upon that secret Article, as the *Imperialists* have projected it.

I am apt to think the *Imperialists* will at last come up in these two Points, that is, in assigning the Posts, and in obliging the Emperor not to give any Winter Quarters. But when that is done, the Business of *Lorain* sticks where it was; and if the *Imperialists* cannot yield that, they will not yield this of the Posts and Winter Quarters, that the Treaty may break as well upon the Account of *Sweden* as of *Lorain*.

THE only Hopes now left to *Lorain* are, that the States Ambassadors in *France* (at whose Instance this Prolongation had been obtained) may likewise prevail for something of Ease; for there is a Courier dispatch'd from the *Hague* to *Paris*, with Instructions to that Effect, in Favour of *Lorain*.

WHAT

WHAT to say further upon this Business, I know not; but I find the *French* Ambassadors have said, that if this Prolongation had not come, the *Imperialists* would have concluded within the Time prefix'd: I am induced to believe that there may be something in it, for that the *Imperialists*, when they negotiate with me about the Article inclosed, relating to the *North*, came to my Chamber in the Stadthouse, that they may so do it apart, whose Ambassador is otherwise always in their Chamber; for 'tis certain, he cannot consent to such a Peace; and if the *Imperialists* were of the Mind not to separate from him, they would not be so complying towards the *French* about the Affairs of the *North*, nor treat of them so; as M. *Cannon* may know nothing of what they do. But I not being within their Confidence, conclude nothing certain of the final Event; however, this Incident, and the Menaces that are joyned with it, I think worth his Majesty's Knowledge by Express, in Case his Majesty has any Offices to do at the Court of *France* for *Lorain*, or will please to command me any Thing here, for I am apt to think the *Imperialists* will spin out the Time that is left them, though, to my thinking, the Honour of their Master, and the Interest of the Empire, should lead them not to delay, but to conclude suddenly, if they can. I am, &c.

L. Jenkins.

*Nimeguen, 6th Jan. 1678-9.*

Right Honourable SIR,

SINCE my last, which was of the 2<sup>d</sup>, by Express, I have not the Favour of any from you to acknowledge, nor any Letters out of *England* since the 24<sup>th</sup> past.

WE have Conferences every Day fore and afternoon, except yesterday, being *Sunday*, we had none in the forenoon. The *French* Ambassadors do persist to have their *Ultimatum*, I mean, their secret Article relating to the *North*, (whereof I sent you a Copy in my last) admitted in full, as they have drawn it; they will have the 7 Posts they demand to have in *Liege* land nam'd and assign'd them, and they will have a most strict Provision against taking of Winter Quarters in the Empire by those that enter not into this Peace. To suffer them to have Winter Quarters elsewhere than within their own Territories, will (say the *French*) make the War everlasting. Besides, the *French*, when they see that their Enemies have Quarters, tho' against the Will of those Princes they quarter upon, will not stand and look on, but take their Quarters too in the Empire; therefore the *French* Ambassadors would stipulate from the Emperor to oppose by Force all quarterings within the Empire.

To this Point of Quarters, and that other of Posts, the *Imperialists* do not say they cannot come up too, but ask what it is the *French* will yield on their Parts by Way of reciprocal Compliance in the Matter of *Lorain*. To this the *French* answer, they can abate nothing of the Alternative propos'd in *April* last; nor of the Explanation nor Extension they have given it by reducing it to Articles, and here the Business stuck last Night.

HOWEVER, M. *Cannon* offers, for a further Facility, that the Duke his Master (since he finds the Most Christian King hath fastned his Thoughts so much upon *Nancy*) to accommodate himself either by consenting it may be garrison'd with *French*, or else by parting with it absolutely, provided he have a just Equivalent, such as the City of *Toul* is

not, but the Bishoprick of that Name would be so, if *France* did make it over to the Duke, as 'tis now possessed since the Treaty of *Munster*.

THIS is the Commission I had late last Night from M. *Cannon*; he said further, that the Duke his Master, *est si bonnestre homme*, that he will do any Thing, rather than by standing out upon Terms, engage the Emperor to continue the War, when he finds it otherwise his Interest to make a Peace; and it shall never be said of him, that he holds the Emperor to his Promise, to the End he may in so doing try his Fortune, or seek his Revenge.

M. *Becrning* told me, that M. *Cannon*, in lieu of all Articles, would accept of the very Alternative in the Words 'tis couch'd in the *April* Conditions; but M. *de Haren* said, that neither this nor any Thing else will do, the *French* Articles having been couch'd by M. *Pomposie* himself in the Presence of the Most Christian King; 'tis true, M. *Cannon* told me, he had thought of this as another Expedient, but gave me no Commission to propose it; I perceive that he now begins to think the *Imperialists* will not stick to him finally, but will make their Peace, only they will probably defer it, till they see what the *Dutch* Ambassadors now at *Paris* will be able to obtain, and in that Interim, M. *Cannon* will have his Master's Resolution upon the Advices of the Courier, that brings him the News that he is not to be admitted to a second Choice, and that nothing will be moderated in the Explication of the Alternative he first chose.

THUS the Affair stands between the *Imperialists*, M. *Cannon*, and the *French*; we have gone over the Articles between the *Imperialists* and the *Swedes*, all the Differences between them are, to my thinking, reconcileable, saving that they cannot agree upon the Words whereby the Treaty of *Osnaburgh* shall stand restored between them; the *Swedes* would have it expressed to be restored in all its Articles. The *Imperialists* say, this grates too hard upon them; they should hereby highly disoblige their old Allies, and yet contribute nothing to the restoring of *Sweden*; they offer, that the Treaty of *Osnaburgh* shall be the Rule and Standard of this Peace. And they are willing moreover to annul all Acts and Decrees past against *Sweden*; and here these two Parties stick.

THE *Dane* and the *Brandenburger* are constantly at the Conferences, and have some Days ago given in the Projects, whereof Copies go herewith inclosed, but it was with a Desire to me, not to communicate them to the *French* or *Swedes*, till I had a Counter-project from each; the *Swedes* will give none, nor enter into any Negotiation before they have Liberty for their Couriers and Letters.

FOR Letters, the *Danish* Ambassadors have Orders to offer the same Liberty that the *Danish* Letters have; for the Couriers, the King of *Denmark* cannot consent to them by any Means; and there this Matter sticks.

I have communicated from Day to Day with the *Dutch* Ambassadors upon the State of Affairs in our Conferences; I find the *Imperialists* do the same; but I do not find that the *Dutch* Ambassadors do interpose with the *French* either upon the Article of the *North*, or upon that of *Lorain*; I see they are of Opinion, that the *Imperialists* will come up to the Article of the *North*: As to that of *Lorain*, they expect to hear what their Ambassadors in *France* will have been able to do upon their last Orders, to repeat their Instances touching *Lorain*.

I have

I have just a Moment to say, the *Imperialists* have now at three con-  
signed into my Hands the Points about Winter Quarters, and have  
yielded the Posts, but with Protestation that they must have some Mo-  
deration in the *Lorain* Affair, &c. and that they cannot go one jot  
further. I am, &c.

*L. Jenkins.*

*Nimeguen, 9th Jan. 1678-9.*

*Right Honourable SIR,*

SINCE my last of the 6th, I have the Favour of yours of the 31st  
past, and 3d Current: I humbly thank you for both.

ALL that I can possible, I do, and shall be sure to do, in the Con-  
cerns of his Electoral Highness *Palatine*, as well as in the Affair of the  
Duke of *Lorain*; but for that Duke, though I do every Day almost  
take some Occasion or other to press the *French* Ambassadors for some-  
thing of Ease and Moderation in Reference to him, yet I find them  
still immoveable; they telling me last Night at a Conference, they had  
some Hours before received Letters from their Court, I took leave to  
suppose that those Letters might have something in them more favourable  
towards the Duke of *Lorain*; they told me no, that they were in Con-  
firmation of former Orders as to that Duke, and that the King their  
Master was resolved not to remit any Thing in the least of what had  
been demanded; and that they would not change one Word in those  
Articles they had given in by Way of Extension, or Explication to the  
Alternative proposed in *April*.

I told them how the *Lorain* Minister was now come to that further  
Facility, that the Duke his Master would frame himself to any Terms  
touching *Nancy*. 1st, The *French* may demolish it. 2. They may gar-  
rison it as they please. Nay, 3. They might have the Sovereignty of  
it, if they would give but a just Equivalent for it. This Proposition  
moved them not in the least; telling me, there is no Peace for the  
Duke of *Lorain*, unless he enter into this upon the Terms already pro-  
jected.

THE *Lorain* Minister, on the other Side, seems to render himself more  
and more importunate. He asked me last Night, whether there was any  
Means to bring his Master into this Peace by a remissory Article in the  
Emperor's Treaty; for he seems to take it almost for granted, that the  
Treaty will be made up within the Month, and he will be content to  
have it said in it, that the Article relating to *Lorain*, when the Duke  
should make up his Peace, should be taken and reputed for a Part of  
the Emperor's Treaty, tho' he has not given me Commission to make  
this Proposal. I suppose he will first see, what the *Dutch* Ambassadors  
in *France* have been able to do, or else what Orders his Courier may  
bring him from the Duke his Master; only I took leave to observe this,  
that the Peace is not like to stick there, tho' his Case do otherwise  
extreamly deserve Compassion.

I told you in my last, how the *French* had rejected the Project of a  
separate Article that the *Imperialists* had given in; for that there was  
no Provision in it against the *Northern* Allies taking of Winter Quarters  
in the Empire, and no Assignment of the Posts they have now in the  
*County of Liege*; the *Imperialists* have since come to it, and have con-  
signed an Article with these two Clauses into my Hands; the *French*  
hav-



## 534 *Letters from the Embassy at Nimeguen.*

having first deliberated with the *Swedes*, have answered it as you'll find in the Apostils that go herewith, both upon the Article itself, and upon two other Papers, containing Conditions that the *Imperialists* would stipulate from the *French* and *Swedes* with Reference to those Posts, and to the marching of Armies through the Empire.

I have spent all the Afternoon yesterday with the *Imperialists*, in receiving their Reply to the *French* upon the first 10 Articles of the *Imperial* Contre-project; and all this Forenoon in receiving the *Duplie* of the *French* upon the *Imperialists*, but there is little or nothing agreed between them; 'tis true, the *Imperialists* would let go the 7<sup>th</sup> and 9<sup>th</sup> Article of their Project, (the first being against the stopping the Course of Justice, the other against evocating of the Subjects of the Empire to the Tribunals of *France*) if they might have some Satisfaction in their 8<sup>th</sup> Article, which is to put to a Compromise the Differences now depending between the 10 Towns of *Alsatia* and *France*; as also between the Subjects of *Metz*, *Toul*, and *Verdun*, and that Crown; but the *French* Ambassadors will hear of no such Article, they stand stiff upon the Right acquired them by the Treaty of *Munster*, but I think they understand one another better than they seem by their Debates with me to do: One Thing is very observable, that upon the Orders the *French* Ambassadors received yesterday, there is an Interview to be all this Evening between M. *Colbert* and the Bishop of *Gurck*, who has kept his Bed these three Days last past. I am always, &c.

L. Jenkins.

*Nimeguen, 13<sup>th</sup> Jan. 1678-9.*

*Right Honourable SIR,*

WE have been here ever since my last of the 9<sup>th</sup>, in Conference both in the Fore and Afternoon, upon the two great Articles, the one touching the Means to restore *Sweden*, the other for withdrawing the Troops of *France* out of the Empire.

THE *French* Ambassadors began with this last, but finding that the Difficulties in it could not be surmounted, they desired it might be tried what could be done upon the first.

THIS the *Imperialists* without Reluctancy agreed to, and the Debates still produced new Essays of Articles, till at last the inclosed Articles were given in as the *Ultimatum* on each Side; and last Night, after Debate till very late, each Party stuck to their respective *Ultimatum*, and desired me I would summons them no more to Conferences till the Adversary yielded the Points in Controversy.

THE 1<sup>st</sup> Difficulty consisteth in this, the *French* would have it said, that the Emperor, with the Princes of the *North*, and the Most Christian King with the *Swedes*, shall do their Offices to procure a Peace, agreeable to those Articles that the *French* in this Treaty of theirs, and that the *Swedes* in their Treaty now to be made, do stipulate for the re-establishing of the Treaties of *Westphalia*, and that Stipulation is for a full Restitution of those Treaties.

THIS Specification the *Imperialists* will not be brought to, because they would hereby disoblige the Princes in the *North* in the highest Manner, and yet do the *Swedes* no Good; the effective Restitution of these last, being to be stipulated in their Treaties with the Princes of the *North*, and not with the Emperor.

THE

THE 2<sup>d</sup> Difficulty is in the Article about evacuating the Places in the Empire; the *French* would reserve to themselves, by a general Clause, the Liberty of continuing their Garrisons in the 10 Towns of *Alsatia*.

THIS the *Imperialists* do most stiffly oppose, having offered an Article, which is the 8<sup>th</sup> in their first Project, to put the old Differences about the 10 Towns to a Compromise; now if they lose that Article, as the *French* are most positive not to pass it, all the Privileges of those Towns will be swallowed up, and they will be brought to a perfect Subjection to *France*.

THE 3<sup>d</sup> Difficulty, and the most insuperable of all, is, that the *French* do demand the Reciproque from the Emperor, and that he should march with his Troops out of the Empire; that is, that he should withdraw to the Hereditary Countries, and leave an Army of *French* in the Bowels of the Empire. This is so much against the Dignity of the Emperor, that his Masters will never admit it; the *French*, on the other Side, say, that if he do not march out, then their King must have another Army to make Head against his, while the *French* are in Action to restore *Sweden*.

THINGS hanging thus, and both Parties being positive not to come to the Conferences again, I was this Morning with the *Dutch* Ambassadors, to represent to them (as I do from Time to Time) where we left Things last Night, and to desire their Offices, (especially with the *French*) as well as their Advice in this Difficulty. Offices, they said, they would pass none, till they heard from their Masters what the *Dutch* Ambassadors in *France* had done upon the Point of *Lorain*, as also upon the Ease they were to desire in the Emperor's Behalf. Advice they gave me none; and from them I went to M.<sup>d</sup> *Olivenkrantz*, he has promised to contribute what Facility can be on their Side, and to do what Offices they can with the *French*. The *Dutch* observed to me, that the *Swedish* Ambassadors had removed their Treaties hence by the way of *France* to the *Hague*; M.<sup>d</sup> *Avaux* having now Commission to mediate the Peace between *Sweden* and *Holland*, and they, the *Dutch* Ambassadors, having sent all their Papers to those at the *Hague*, that are to Treat with M. *Silercroon*.

I can give no further Account of the Business of *Lorain*, only M. *Cannon* is highly dissatisfied with the *Imperial* Ambassadors, that they conceal from him the Steps they make in their Treaty with *France*; this he told me himself, adding, that he would never consent that his Master should be taken in by a remissory Article, which yet M. *Stradisman* told me would be their last Refuge.

THE *Imperialists* were last Night much more positive and stiff than I found them at any Time hitherto; I cannot think it proceeded from what their Courier brought them on *Friday* Night, for they were calm enough on *Saturday*, and fair as usually: That Courier brought them Orders, it seems, to admit the mention of the Elector of *Bavaria's* Offices, but not in the Preamble to the Treaty, and not without the like mention of other Electors in general, that had contributed their Offices to the Peace. I am, &c.

L. Jenkins.

Nimeguen, 16<sup>th</sup> Jan. 1678-9.

Right Honourable SIR;

I Have none from you since my last of the 13<sup>th</sup>, nor any Thing to add, but that we are now this Forenoon just where we were when that Or-

## 536 *Letters from the Embassy at Nimeguen.*

Ordinary went away ; we had Conferences twice yesterday, and twice the Day before, yet we have advanced nothing ; and all Men do now despair of the Peace within this Month, which will be out ~~on Tuesday~~ next, *N. S.*

THAT where we now stick, is the Article beginning *Rex Christianissimus*, that I sent you by my last ; the *French* will have that Article as they gave it in, or else will have none at all ; but in lieu of that Article, which is the 27<sup>th</sup>, will have it said in the Clause of the foregoing Article, (which is touching the Means to restore *Sweden*) *stant etiam* *bonam & bonam fide iuxta tenorem*

*instet*  
for Word in this Treaty.

THE first Expedient the *Imperialists* will not enter into, because that

Places shall be evacuated, *exceptis iis que exigere Pacis Monaster. ad Coronam Gallie spectant* ; a tacit Implication, that they may continue their Garrisons in 10 Towns of *Alsatia* ; and this Point the *Imperialists* would not lose by this Reach : But their great Grievance is, that the *French* would stipulate to have the Emperor march out of the Empire, (that is, out of his own Home) while they, the *French*, stay behind, and are the Masters ; therefore they offer a Reciprocation, which is, that the *French* recal their Troops out of the Empire, (saving the Posts and Places accorded them) and that the Emperor, on the other Side, recal his Troops out of all Places and Territories belonging to *France* ; and if any Places belonging to *France* shall happen to be taken, they shall be restored, *Philipsburgh* excepted. This the *French* reject in great Disdain, because that the Emperor has no Places in his Hands, nor is he like to have any belonging to *France*, nor has any Troops within their Territories.

THE *French*, when they offer to stand to the Treaty of *Munster*, and to restore and evacuate all Places, according to the Tenor of it, refuse to express or to mention any particular Paragraph, tho' there be several that direct the Way of restoring Places, and of withdrawing Troops on one Side and the other out of the Empire, when the Peace of *Munster* was to have its Execution ; and all that they do say for the refusing to come to Particulars is, that *France* having consented to restore that Treaty Word for Word, is sufficiently bound to execute it likewise Word for Word, as far as 'tis capable of being executed.

M. *Becerning* was with me late last Night, to discourse and consider of this whole Matter, but could not think of any Expedient ; he inclined to an Opinion, that the *Imperialists* should wholly leave out the Article of Evacuation, and refer themselves to the Treaty of *Munster*, in the very Words that the *French* desire ; for if the *French* do proceed fairly, and do restore Places, and withdraw their Troops, as was directed and agreed at *Munster*, the Execution will prove to be in some Things more in Favour of the Emperor, than the Article that the *French* offer : But this I found the *Imperialists* would not be brought to ; for that the Treaty was two whole Years before it was executed, and they were forced to have another Dyet or Assembly, to agree upon new Rules for its Execution ; besides, the Case was clear then, and the Evacuation easier, for that the War did cease in all the Quarters of the Empire at one and the same Time ; but there being a War to continue now, it's  
against

against the Emperor's Dignity, and the Trust reposed in him, as well as unsuitable to the Precautions used, where one Neighbour sees another in Arms.

I come now from the Forenoon Conferences, but 'tis so late, that I can only say, that the *French* are still for a most exact Reciprocation in quitting the Places; and if the *Imperialists* will name the Places by detail that the *French* are to quit, they will likewise name those that the *Imperial* Troops are to quit. So they insist, that if they will have a Stipulation express, that the *French* shall march out of the Empire, (except those that are to remain in the seven Posts) and withdraw within the Lands of *France*; they will have the *Imperial* Troops withdraw into the Hereditary Countries. But to avoid entering into the detail, (which will be intolerable to the Emperor in Point of Honour, for what have the *French* to do with *Treves* and *Bonn*, or to provide that the Emperor have no Quarters in the Empire, since he engages not to disturb the *French*, in pursuing the Recovery of the Losses of *Sweden*) they are content there should be an Article for naming of Commissioners after the Peace, and that the Words of yesterday, which were these, *que les restitutions & evacuations des Places referont de bonne fois selon la teneur du Traité de Munster*, should be added, *à le effet de quey des Commissaires seront nommez depart un & d'autre, apres les Ratifications echangees pour convenir du temps que les dits Restitutions & Evacuations deurent être faites reciproquement selon la teneur du Traité de Munster en sorte néanmoins que le tout puisse être echeu dans certain espace, de sans pouvoir être différé plus long temps.*

To this, the *Imperialists* do not yet give in what they'll do; or whether they will, when we meet anon, I know not; one Thing they told me, which may hinder the Peace, which is, that they have received express Orders from the Emperor, to insist that the Duke of *Lorain* may have the Benefit of the *French* Alternative, as it was proposed in *April*, without that hard Explication they have joined to it.

THE *Sweedes* and the *Imperialists* have their Turns in the Conferences, but they are fencing upon the Words whereby the *Osnaburgh* Treaty is to be restored; and the Decision between them depends upon clearing of the Difficulties between the *Imperialists* and the *French*. I am, &c.

L. Jenkins.

Nimeguen, 20th Jan. 1678-9.

Right Honourable SIR,

MY last was of the 16th, since which I have the Favour of yours of the 10th to acknowledge, with several Papers touching his Electoral Highness *Palatine*, the Duke of *Newburgh*, the Towns of *Straßburg* and *Bremen*, for which I humbly thank you. In the Affair of the Elector *Palatine*, we shall come to a Struggle in all Probability this Day, I shall be sure to do my utmost Endeavour for his Electoral Highness.

ON *Saturday* Night the *Imperialists* and *French* broke off upon the Style of the Parties treating, but yesterday Morning the *French* came and yielded the Point, in the Words you'll find it couch'd in the first Article that goes along, but with a Reservation and Condition that goes in a Paper apart, at the same Time they agreed this, they made another ~~several~~ Declaration touching *Lorain*, upon new Orders they received yesterday; they demanded likewise an 8th Post, which is *Duren*, in the

## 538 *Letters from the Embassy at Nimeguen.*

Land of *Juliers*, and alledged, it was no new Demand, the Cypher which they had from Court, when their first Directions came, being such, by a Mistake, that they knew not what to make of the Figures that were set to express *Duren*; their Demand of *Chasselet* was not a Mistake, as was thought at first, *Cheney* having been never thought of, but *Chasselet*, a Place near *Charleroy* upon the *Sambre*.

THE *Imperialists* received this with the Disatisfaction that is usual and natural in such new and hard Cases.

THE *French*, when I came to them again, proposed to come to my Chamber, and to enter into Conferences with the *Imperialists* Head to Head; the *Imperialists* accepted the Conferences, but proposed that the Chamber might be theirs; that is, that I would resign it to them, and take the Chamber which I had assigned them.

M. *Celbert* took this in so great Indignation, that he said, his Master would never go to find out the Emperor, but in the Head of 100,000 Men; nor would they ever go and seek out the *Imperialists* in their own Chamber upon such Terms, but were content to do that Respect to the Mediator, as to go to his Chamber.

WHEN the *Imperialists* quitted this Point, the *French* desired me, in doing the Honours of my Chamber, to meet and re-conduct them, as I should the *Imperialists*.

HEREUPON I declared to both Parties, they should be welcome to my Chamber, and that I would do the Honours of it according to the usual Style of Ambassadors at their own House, but reserving to Sir W. *Temple* and myself, the Rights due to his Majesty's Ministers in all solemn Acts; naming to them that of having the first Column for our signing: This the *French* agreed to, and told me, they would not be satisfied unless it were so; but before I came to this Resolution, I took the Opportunity to speak with M. *Becverning*, who was absolutely of Opinion, I could not refuse to do the Honours of my Chamber to two Embassies, no more than I could do it to one; much less since there was no solemn Act (such as signing).

I must here note, that when I put in my Reserve to the *Imperialists*, for the first Column for signing, they answered dilatorily, that that did not come to be the Question at this Time; but the *French* were clear we should have it for their Part.

SEEING they were come to so close a Ward, and finding the *Imperialists* stuck upon nothing, M. *Cannon* came up to my Chamber in a Rage, to protest against the *Imperialists*, for abandoning his Master, contrary to the Emperor's Orders. I concluded it was much more probable they would agree, than break off, and therefore sent an Express to Sir W. *Temple*, to desire him to make a Journey hither to assist at the signing.

AT 4 in the Afternoon the Parties met in my Chamber, the *French* coming first; they debated several general Articles, and agreed them, but could not agree either of the Articles about *Beuillon*, or the free Towns in *Assatia*.

WE met this Morning at 9, and stayed together till past one, we have agreed the 10 Articles touching *Friburgh* and *Philipsburgh*, so that we have agreed 20 Articles, those abovesaid of *Beuillon* and the Towns excepted.

OUR Order leads us (we meeting immediately after 3 again) to the Ambref. of *Lorain*; if that can be made up, I cannot see how the Peace will fail. The *French* are still inflexible upon it; and M. *Cannon* says we will not give the Act that the *French* demand. I am, &c.

L. Jenkins.  
Nime-

*Nimeguen, 23 d Jan. 1678-9.*

Right Honourable SIR,

MY last was of the 20th; since which, I have the Favour of yours of the 14th to acknowledge; and I humbly thank you for your Directions touching the Preface.

SIR *W. Temple* arrived here on *Tuesday* Night late, and assisted yesterday at the Conferences, where we finished all the Articles, which are above 40 in Number except two, the one touching the Dutchy of *Bouillon*, and the other touching the Towns in *Alsatia*: the *Imperialists* have accepted the *Lorain* Articles, without being able to obtain any Mitigation, except in Words here and there in the Debate; the Sovereignty of *Nancy*, and the High-ways are yielded: We broke up at 2 this Morning upon the Article of *Bouillon*, on a Point very nice, and of no great Consequence; the *Imperialists* (who would most willingly leave that Affair to the *French*, and not mention it at all in the Treaty) offer the Article that goes inclosed, whereby they submit the Business to Arbitrators, who are to determine the *Possession* and the *Right*; and in the mean time, no Violence should be used to disturb the present Possession: The *French* accept this, but will needs have a Clause, whereby it shall be declared, that the *Duke of Bouillon do remain in the Possession he is now in*; and yet it is sufficiently implied, that his Possession is not intended to be disturbed, 1. In that the Emperor and Empire have no Interest in the Thing controverted; it being the Bishop of *Liege's*. 2. In that the Forces of the Emperor and Empire will have always other Work to do, than to turn the *Duke of Bouillon* out of Possession. 3. For that in the very Article that the *Imperialists* offer, where they say that the Arbitrators shall pronounce in the Possessory and the Petitory, 'tis implied, that till they do pronounce, the Possession is not to be disturbed.

THE *Imperialists* having yielded all, do stick at this, partly because the Thing concerns them not, and the Bishop of *Liege* forbids them to meddle in it; but chiefly because of the Emperor's Conscience, who made a solemn Oath, upon his entering into this War, that he would have no Hand in any Alienations or Disposition, to the Prejudice of the Church; besides that, their last Orders are to give the Thing up to the *French*, and not to meddle with it at all.

THE *French*, on the other Side, say, their Orders are precise and indispensable, to have an express Clause for that Duke's remaining in Possession, till the Thing be determined; and they say, they must give in their Demand this Day for razing of *Philipsburgh*; which, if it be given in, the Treaty is absolutely broke.

HAVING writ thus far, the *Swedish* Ambassadors came to me, to tell me they had prevailed with the *French* Ambassadors, to forbear this whole Day the making of any Declaration or new Demand touching *Philipsburgh*; that they would render themselves, as they used to do, in the Mediator's Chamber in the Stadthouse, and would enter into Negotiation with the *Imperialists* for themselves and the *Swedes*; but that if all be not finished this Night, they will make their Demand touching *Philipsburgh* to Morrow Morning, and will conclude no Treaty without it.

THEY were no sooner gone, but the *Liege* Minister came to tell me, he had declared to the *Imperialists*, that it was his Opinion, the Elector

his Master would not have the Peace of *Christendom* retarded one Moment for his Pretensions to *Bouillon*; this makes me think the *Imperialists*, when they meet this Afternoon, will give up the Question of *Scuillen*, notwithstanding what is above; for the *French* have already notice, as the *Swedes* told me, of this Declaration of the *Liege* Minister, and make Account that the Point is gained; the only Article that will then remain, will be that of the 10 Towns in *Allatia*.

I find by M. *Stradisman* this Day, that the Emperor values the Loss of that Point, as great as the Loss of an Electorate; yet the Emperor will come to an Article about it, that shall signify nothing, but only save the grosser Appearances of neglecting them; after this, there will remain no Article of either Project in Controversy; some Conditions the *Imperialists* would stipulate, but separately from the Treaty, to debar the *French* from setting up any Pretension for continuing the War in the Empire when *Sweden* is restored. This past in the Morning in Sir *W. Temple*'s Absence; he being gone to wait on his Highness the Prince at *Arnheim*, but will be back at Night, which is the Reason I give this Account alone.

I acquainted M. *Beverning* this Morning with the State of the Treaty; he is assured, he said, that the *Imperialists* will yield to all, there having been a Letter of M. *Pomponc*'s intercepted very lately, whereby he advises the *French* Ambassadors here, that there is certain Advice from *Vienna*, that the Emperor has directed his Ambassadors to come to a Peace at any Rate; therefore M. *Pomponc* directs the *French* to hold to their Conclusion in every Thing, since they will be denied nothing. I am, &c.

L. Jenkins.

*Nimeguen, 27th Jan. 1678-9.*

Right Honourable SIR,

THE Ordinary of *Thursday* the 23<sup>d</sup>, will have brought you already an Account, how near the *Imperialists* and *French* were to a Conclusion when that Post went away, they did that Night adjust all their Articles, and go over them again, but could not finish all till two in the Morning.

THIS Work being over, they desired us to bestow our Pains upon the Treaty between the Emperor and *Sweden*, which we did on *Friday* and *Saturday*, and it was finished and adjusted on *Saturday* about Midnight; the *Imperialists* yielding all the Points the *Swedes* insisted on, complaining, they were hardly dealt with by the *Swedes*, even to Indignity, for they agreed to an Article in Favour of the Duke of *Holstein*, yet the *Swedes* would not agree to the Article that the *Imperialists* offer'd in Favour of the Duke of *Mecklenburgh*; but the *Imperialists* were not to stick in this, or any Thing else, that might retard the Peace.

YESTERDAY at two, the *French* Ambassadors came to us, and told us, they were now ready to sign the Peace with the *Imperialists*; desiring us to name an Hour for it; saying, that they thought our Chamber in the Stadthouse the fittest Place; we told them, we were ready to name any convenient Hour, and to come ourselves and assist at the signing; and to sign, in Case the Parties should give us the Rank due to his Majesty's Mediation, which was the first Column, as had been practised in other Treaties.

THEY

THEY told us, they would receive our signing with Joy, in the first Column, but they perceived the *Imperialists* would make a Difficulty upon it, M. *Kinski* having told M. *Colbert* 3 or 4 Days ago, that they could not possibly admit our signing in the first Column, they having most precise Orders not to do it. Hereupon M. *Colbert* proposed, that we should come to some Expedient; which was, that the Parties should sign in two Columns; then that there should be a Form of Attestation drawn up in the Close of those Columns, and that we should sign it; this, he said, the *Imperialists* had found out, and he remembered it to have been the Practice at *Aix la Chapelle*; we excused ourselves from entering into any Expedient, which would have been to give up a Point, which his Majesty had directed to be insisted upon, as a Thing wherein all Kings and Princes are interested ever since our first coming upon this Place; but I, Sir *W. Temple*, was able to tell him, upon my own Knowledge, that the Peace was not treated at *Aix*, but being adjusted in the several Courts, it was in 5 or 6 Days Time formed into a Treaty there; that the Nuncio, and the Ministers of several Electors, and Princes of the Empire, that signed with him, had not born the Part or Figure of Mediators, and so could be no more than Witnesses in the Thing. That on the other Side, M. *Beverning* had assured us, the first Column had been given the Mediators at *Breda*; the *French* having desired of us to know the Time and Place, and the Method they intended to proceed in to signing, we could not refuse them, but told them, we would go to the *Imperialists*, and bring them an Answer: Having hereupon acquainted the *Imperialists* with the Desire of the *French*, particularly that of signing the Treaty in our Room, and with our Assistance; we told them, we were ready in both, if they would give us the first Column, as the *French* had offered it. Having withdrawn and consulted together, they made very great Acknowledgments of his Majesty's Mediation; but as to the Column, they hoped, we would enter into the Practice received at *Aix la Chapelle*; we answered them, as we had done the *French*, they professing to be very sorry, that they were not to have our Assistance in the Conclusion, as they had had all along, they desired the *French* might have the Practice of *Munster* laid before them; which was, that the *French* should come first to their House, (the *Imperialists*) and sign there; and then that they, the *Imperialists*, should forthwith render themselves at the House of the *French*, and sign there for their Parts. We told them, we would acquaint the *French* with what was proposed, but would leave the adjusting of it to themselves, since they seem'd to have no further Use of us, and that we were to have no Part in signing of the Treaty.

WE have since understood that both Embassies came to their several Chambers in the Stadthouse, and at last agreed to meet, as they used to do, in our Chamber there, which was done, and the Treaty, after it had been read over by themselves, was signed about a Quarter past 10 at Night.

THE *Swedish* Treaty, as we are told, will not be signed till late this Night; therefore we thought best not to let this Express stay till that be over, but that his Majesty may have the Certainty of what is done in the main, and of what is in all humane Appearance to follow.

THE *French* got the *Imperialists* last Night to promise they would give an Act to sign with the *Swedes* this Day; but the *Imperialists* have already sent Word, that the Act is needless, because they will be sure to do the Thing itself. We hope the Preface will be to his Majesty's Satisfaction; and the Article of his Comprehension.



## 542 *Letters from the Embassy at Nimeguen.*

THIS Letter was concerted between Sir *W. Temple* and myself; but he could not stay to sign it, having received some particular Orders from his Majesty, that requires his immediate Applications, which makes him take *Amsterdam* in his Way to the *Hague*: He left this Place before 8 this Morning, intending for *Nacrden*. So that I am forced to subscribe this alone, who am, &c.

*L. Jenkins.*

*Nimeguen, 30th Jan. 1678-9.*

Right Honourable SIR,

I Have only this to add to what the Express will have brought you, that the *Imperialists* and *Swedes* met in the Mediator's Chamber in the Stadthouse between 9 and 10 that Night, and signed their Treaty.

THE *Imperialists* having refused us the Honour due (as we conceive) to the Mediation, I humbly beseech you to favour me with some Directions how to govern myself for the future, as to the having of any Commerce with them. Not that I think it fit for me to do any Office when their Ratifications come, but to let them find the Way to exchange them, as they found the Way to sign without us; but there being a Probability, that when the Cessation, or the Peace of the *North*, comes to be treated, the *Imperialists* may have Recourse to me, and require my Offices between those Parties; tho' I should avoid all Occasions of going to them; yet I know not how to refuse them, should they come upon any Business to me, unless I have his Majesty's Orders; and his Majesty may think himself less concerned to pursue this Point, since the *French* and *Swedes* (who assured us they had the same common Interest with us, that the Emperor should not be reputed of a distinct Rank and Order higher than that of Kings) did not insist to have the Mediators sign in their due Place; which, if they had done, the *Imperialists*, who had yielded them every Thing else, would not have refused them this. But for my better Government here, you see how needful it is for me to know his Majesty's Pleasure, as to my continuing or breaking Commerce with the *Imperialists*.

ANOTHER Thing is, how I shall govern myself towards the *French* and *Imperialists*, who are to meddle in the Affairs of the *North* by Way of Offices; if the Peace be made, they will certainly pretend to be named in the Preface, and there will be another Embarrass, which I humbly conceive we are not to enter into, but rather let them take the Preface to themselves; for in this Case the Emperor will pretend to be named before the King.

I came just now from speaking with *M. Beverning*: The *Swedish* Ambassadors desired me to know of him, whether he would go on with the Treaties between the States General and *Sweden*; his Answer was, 1st, That upon a Memorial of *M. d'Alaux*, the States had named Commissioners to treat with *M. Sickercron* at the *Hague*. 2. That he would write this Day to his Masters. 3. That the States would have their Satisfaction in Point of Commerce, before they would conclude the Treaty of Peace with *Sweden*. *M. de los Balbaces* was just gone from him; his Opinion is, the Emperor will have very great Difficulty to ratify this Peace, the Terms are so dishonourable; but the Dyet will not flick at it.

THE *Dane*, *Brandenburgh*, and *Zell* Ministers, have protested against this Peace: And I expect their coming to me when the Post is gone, to give in their Protections. I am, &c.

*L. Jenkins.*  
*Nime-*

*Nimeguen, 3<sup>d</sup> Feb. 1678-9.*

Right Honourable SIR,

SINCE my last, which was the 30<sup>th</sup> past, I have the Favour of two from you, of the 21<sup>st</sup> and 24<sup>th</sup> of *January*, come to Hand; I humbly thank you for both, and beseech GOD (from my Soul) to give a Blessing upon that Resolution his Majesty hath taken, to call a new Parliament.

ON *Thursday*, M. *Schutz*, the *Zell* Minister, and after him M. *Heugh* and M. *Blaspiel*, left with me several Protestations against the Peace the *Imperialists* had made; Copies of these Protestations go herewith, as also a Letter the two last writ to the *Imperialists*, before they concluded the Peace.

M. *Heugh*, when I desired a Passport for a Courier the *Swedish* Ambassadors intended to send to their Court, with the Treaty signed by the *Imperialists*, excused himself from granting one without the King his Master's Orders; so that the Treaty is forced to be carried by the way of *England*.

M. *Cannon* came to me on *Friday*, to protest likewise that he had not consented to the Articles the *Imperialists* had pass'd and signed, touching *Lorain*; he is troubled that it is reported (as M. *Serinchamp* advises him) at Court, that he hath consented to that Part his Master hath in this Peace, he having left the Conduct of that Affair wholly to the *Imperialists*: But he withdrew the Protestation he brought with him in writing, lest *France* should take Advantage from his not consenting, and consequently execute that Menace it hath made, unless he should consent by the 1<sup>st</sup> of *February*, *N. S.* that he should have no Recompence for *Nancy*, nor for the Provost of *Langioy*.

THE Ministers of *Mecklenburgh Schwerin* and *Gustraw* are put to an After-game; the *Imperialists* stood most stiffly for them; but the *Swedes* opposed the doing of any Thing before *Sweden* was restored to those Places, where those Dukes would have the Toll abolished, and before they had Orders from their Court in the Case. The *French* have promised these Ministers their Assistance, when the Peace of the *North* is made, which will be a very proper Time, if the *Imperialists* intervene and stipulate; but the *Swedes* being at this Time thus inflexible, they have lost a great Point that should have been yielded them, in Relief of the Duke of *Holstein Gotterp*; for the *Imperialists* finding they could get no Ease to be given to the Dukes of *Mecklenburgh*, they would not hear of adding one Word to the Article themselves had projected in Favour of the Duke of *Gotterp*, especially to relieve him against the Sentence he is condemned to the Duke of *Holstein Plœn*, in Costs and Damages to the Value of 700,000 Crowns; only the *Imperial* Ambassadors, at the *French* Ambassadors Request, as also at Sir W. Temple's and mine, undertook to write to the Emperor, and to the *Conseil Aulique* at *Vienna*, for an amicable Composition in that Business.

HIS Electoral Highness *Palatine* hath the Satisfaction, that M. *Schomburg's* Pretensions against him were laid aside, and did not enter into the Treaty: On the other Side, the Prince of *Salme's* Pretensions against the Duke of *Lorain* were laid aside for the same Reason; the *French* themselves, who advanced the Article of that Prince, saw no good Grounds to press it: 1. All his Pretensions were Matters relievable in

## 544 *Letters from the Embassy at Nimeguen.*

the Judicatures of the Empire. 2. If any one Article should have been omitted (as there is none) that was decidable by Law, and had not its Rise from, or in this War, the Matter would have been endless, both Sides being charged with such Commissions in great Numbers. 3. The main Matter that the Prince of *Salme* pretended to, was to be secured, that this Duke of *Lorain* do not run into the same Excesses as his Uncle did, in Quartering of Soldiers upon the Prince's Subjects, and in citing them to his Tribunals; but this Duke is like to be a better Sort of Neighbour than his Uncle, and his Restitution withal so *Maiere*, that none press it. Only we are careful to let both Parties know, it was a Matter that his Majesty hath in special Recommendation; and that his Majesty will, when that Duke is restored, be able to procure to the Prince of *Salme* all the Satisfaction he now aims at.

THE *Palatine* of *Veldentz*, the Counts of *Nassau* and *Hanau*, the Marquifs of *Baden*, and the *Hanse* Towns, have had no Place in the *French* Treaty, tho' recommended by his Majesty; the Interests of the three first being intended to be provided for in the 8th Article of the *Imperial* Contre-project, touching the Towns in *Alsatia*, the immediate Nobility, and the Subjects of the three Bishopricks; but the *French* were inexorable against all Sorts of Temperaments, that they stood finally upon this; 1. That the King their Master pretended to nothing but what was their Right by the Treaty of *Munster*. 2. That there was no Controversy (at leastwise now depending) that required any Explication of the Words of that Treaty. 3. That it was beneath the Dignity of the Most Christian King, to have his Rights submitted to a Compromise by his Ambassadors. Thus they carried it, that the said Article should be suppressed; and the *Imperialists* were forced to fly to the Remedy of the Declaration or Protestation that goes along; so that Prince and the two Counts were left without Remedy.

THE *Hanse* Towns could get nothing done for them in the Treaty with *France*, the *French* Ambassadors refusing to admit any Article concerning Commerce, after they had rejected that which the *Imperialists* offered; but in the *Swedish* Treaty, the *Hanseaticks* are restored to their Commerce with *Sweden* in general, but not to all they demand.

I have this Day let the *Hamburg* Deputy know the Order his Majesty was pleased to give us here, to serve that City in all that should lie in our Way; as also, how the Company had, by Petition, supplicated his Majesty in Behalf of the City, and what Consideration his Majesty was graciously pleased to have of their Petition; and particularly what the Company hoped, and his Majesty expected, of a fair and genuine Explication of the 44th Article, &c. the Deputy received all with great Veneration for his Majesty; that Town hath little to hope, he says, further from the Treaties here; but his humble Suit is, that his Majesty will be pleased graciously to afford them his Support and Protection against the *Gluckstadt* Toll.

JUST as I am closing, the *Holstein* Minister tells me, the Letters of yesterday from *Paris* say, that M. *Meinders* had made his Proposition there, which was, to retain all *Pomerania* to himself, offering the Dutchy of *Cleves* to the Most Christian King, if he might have his Consent. 2. To do his utmost to make the Dauphin King of the *Romans*. 3. To remain eternally, he and his Heirs, within the Interest of *France*. He told me, that M. *Meyercroon* at the *Hague*, had from his Master offered to M. *d'Anjou* to send Powers into *France*, to Treat the Peace there between *Denmark* and *Sweden*; and that the Peace of the House of *Brandenick* is in a good Forwardness now at *Zell*; Madame de *Chastillon* and

and M. *de Rabenac* being there in the Behalf of *France*, and M. *Puffendorf* from *Sweden*.

In this Place is nothing done, the *Imperialists* on *Friday* proposed a Cessation to M. *Heugh* and *Blaspiel*; their Answer was, that they must write, being without Orders, and the *Lunenburghers* cannot, without new Orders, consent to it, without the *Dane* and *Brandenburgher*. I am, &c.

*L. Jenkins.*

*Nimeguen, 6th Feb. 1678-9.*

*Right Honourable SIR,*

MY last was of the 3<sup>d</sup> Current, since which I have none from you; nor is there any Thing here pass'd (that I know of) worth your Notice; all, it seems, expecting Orders from their Courts, before they go openly about the Peace in the *North*.

ON *Saturday* Night M. *Stradtzman* was pleas'd to come and acquaint me, with an Infraction already act'd by M. *Calvo*, upon their Peace with *France*; that Treaty, in the 29<sup>th</sup> Article, determines that all Hostilities shall cease from the very Instant of signing; yet M. *Calvo*, notwithstanding he had Notice of the signing, pass'd over the *Rhine* about *Ordinghen* in *Bergland*, and burnt two Villages there.

UPON this Occasion, he enlarg'd upon the Necessity that he and his Collegues were under, to clap up this Peace, as bad as it is, for the Emperor. The great Reason, he said, was, they had not wherewithal to make Head against the *French* upon the *Bas-Rhine*, or to cover any Place upon it; that before they resolv'd to go through with the Peace, they had summoned their Allies, to see and say what could be done. The *Danish* Ambassador, he said, (tho' the loudest of all in protesting against this Peace) avowed, his Master had not one Man to spare for so weighty an Occasion; nor would contribute one Penny towards any Expedition, or Service, in the Empire: Nay, his Master would not suffer the Troops of *Munster* to return from his Service, tho' the Bishop hath need of them, and recalled them, to defend his own Territories and the *Rhine*. That they, the *Imperialists*, could not but take Notice of M. *Meinders* his Journey into *France*, without acquainting them, the *Imperialists*, (being in the Heat of their Conference with the *French*) with one Word of the Design or Occasion of this Voyage; nor would he, M. *Stradtzman*, forget, he said, what Manner of Peace this very Minister, M. *Meinders*, made, and how he made it, between the Elector and *France*, in the Beginning of the Year 1673. Thus of the Elector. For the other Allies, the House of *Lunenburgh*, and the Bishop of *Munster*, they profess'd openly, they must make their Peace upon any Terms, rather than that their Country should become the Seat of War; otherwise they will be no less eaten up by the *Brandenburgher* when he comes to help them, than by the *French* themselves.

THUS stood their Case with their Allies, he said; but then all the Electors cried out to the Emperor with one Voice, not to defer the Peace a Moment for the Princes of the *North's* Sake; so that not one Elector or Prince, uninterested in those Conquests upon *Sweden*, would have stuck to the Emperor.

THUS he said it was within the Empire; when they look'd Abroad, they found as little to rely on. For *England*, he said, they had nothing to rely on; as to these States, M. *Beccrning* exhorted them to make

## 546 *Letters from the Embassy at Nimeguen.*

up their Peace; and the *Spanish* Ambassadors were so much of the same Mind, that M. *Balbases* threatned he would protest against the *Imperialists*, if they delayed the Peace any longer. So that M. *Stradtman's* Conclusion was, that as Things stood, there was an absolute Necessity for their accepting of this Peace; but did not see how it could be called a Peace, if that in the *North* were not presently made up. I am, &c.

L. Jenkins.

Nimeguen, 10th Feb. 1678-9.

Right Honourable SIR,

WE have no Letters out of *England* since my last, which was of the 6th Current.

ON Saturday M. d'Olivenkrantz, in a Visit he favoured me with, told me, there was a Peace concluded at Zell between the Crown of *Sweden* and the Dukes of Zell and *Wolfenbuttle*; he was not, he said, informed of the Particulars, only that *Sweden* was to part with some Lands, as well as to pay Money; neither did the *French* Ambassadors know the Particulars; M. de Rabenac, who made the Peace, sent his Secretary this way for *France*, but without giving them Part of the Treaty itself, at which they are not a little dissatisfied.

M. de Rabenac hath always reserved to himself 7 Weeks Time to work with the Dukes of *Osnaburgh* and *Hanover*, to bring them likewise to accept of this Treaty: This is all the Account M. d'Olivenkrantz was pleased to give me of it; but M. Balbases, in a Visit he gave me last Night, concurr'd in two Particulars with yesterday's Letters from the *Hague*, the one is, that the Ballyage of *Tedinghausen* is to remain to the House of *Lunenburgh*; the other, that they are to receive 300,000 Rix-dollars in Money.

M. d'Olivenkrantz, in the same Conversation, told me, that the *French* Ambassadors had on *Thursday*, by order of their Court, communicated to him and his Colleague, an Overture that M. *Meyercroon* had made to M. d'Avaux at the *Hague*, for Passports for a Minister of the King of *Denmark* to pass into *France*, to Treat a Peace with *Sweden* in that Court; that M. *Pomponne* had thereupon writ, not only to M. *Feuquieres*, to sound the Inclinations of the King of *Sweden*, but to them also (the *French* Ambassadors here) to speak with the *Swedes* about it.

To this the *Swedish* Ambassadors, as he told me, answered, that they knew nothing of the King their Master's Mind at this present; but if they may judge by the Reflexions he made, and the Orders he gave, when M. *Gise* made such another Overture, to procure to himself Powers to Treat with the Minister of *Sweden* at *Paris*, they must conclude, that it is the Meaning of their King, not to enter into Treaty with *Denmark* but by his Majesty's Mediation, and upon this Place; as conceiving, that if the Most Christian King should enter into the Function of a Mediator, he would not be longer at Liberty to aid and assist *Sweden* with his Forces by Sea and Land, according to the last Treaties between *France* and *Sweden*. However, that they, the *Swedish* Ambassadors, referred themselves, as to this Overture, to the Resolution that their King should come to, when the Matter should be laid before him by M. *Feuquieres*; and that they would not hope (in Regard their Correspondence is still hindered by *Denmark*) to have an Answer upon their Addresses to their Court, so soon as M. *Pomponne* would have, upon his having written about it to M. *Feuquieres*.

IT was a Thing that M. d'Olivenkrantz observed to me, not without Regret, that the *French* Letters have a free Passage through *Denmark*, into *Sweden*, but those of the Ambassadors here have not; nay, the Letters of the Court of *France*, and of the *French* Ambassadors here, are addressed to M. *Clinckberg*, the Postmaster General of *Denmark*, who hath charged himself with the Care of them; and yet when this Freedom was obtained for *French* Letters, the *Swedes* could not obtain any Sort of Ease in the same Kind.

BUT what was most remarkable in this Conference of the *French* with the *Swedes* was, that the *French* Ambassadors, as M. d'Olivenkrantz said, seemed very much dissatisfied with the *Swedes*, in not shewing a better liking to the removing of the Treaty hence between *Sweden* and *Denmark* to *Paris*; M. *Colbert* alledging, that it was very likely his King may in a short Time recal hence his Ambassadors.

THIS Relation of M. d'Olivenkrantz lying thus before you, with all its Circumstances, I humbly submit to your Consideration, what is proper for his Majesty to determine, as to the continuing of his Ministers here any longer, in Attendance upon a Work that is to be done elsewhere.

I asked M. d'Olivenkrantz, upon this Occasion, what the Elector of *Brandenburgh* was doing as to his Treaty; he told me, that when the last Advices came away, M. *Meinders* had not yet had his Audience; that it was pretended, his Errand was no more than to endeavour some kind of Neutrality for *Cleves*; but that he could not believe but that he was instructed for the whole Peace.

M. d'Olivenkrantz did again in this Conversation purge *Sweden* from having any Desire to draw the negotiating of the Peace between it and the States to the *Hague*; and said, he would send me (as he did forthwith) a Memorial that M. *Silkecroon* gave in to the States, declaring that he had no Power or Order to Treat or conclude any Thing at the *Hague*; yet M. *Beverning* writ me a Letter upon this Subject, as if the States had understood it quite otherwise; a Copy of that Letter goes along, which you will please to compare (for to reconcile it will be a hard Matter) with the Memorial, whereof there goes also a Transcript along.

M. d'Olivenkrantz holds to his old Conclusion still, that all this Delay on the Side of *Holland*, proceeds from the prevailing Offices of his Highness the Prince of *Orange*, in Favour of the Elector of *Brandenburgh*, to draw him out of the War with *Sweden*, at the same time they get out themselves. But I think you'll easily believe, that if the Peace of *Denmark* and *Lunenburgh* be made elsewhere, the Elector will not tie himself to make his here: And as to the Peace between *Sweden* and this State, I do not find M. *Beverning* inclined to believe, or desire, that it should be brought back again to this Place.

THE Peace of the Bishop of *Munster*, I look upon as good as made; if that of the House of *Lunenburgh* be made; so that the only Peace that is like to be left upon our Hands here, is the Peace between *Spain* and *Sweden*.

M. *Balbases*, after he had told me of his being ordered to go hence with all Diligence Ambassador Extraordinary into *France*, told me, he had now withdrawn himself from all Business here, and had devolved what was to be done upon his Colleagues M. *Fuente* and *Christine*, and told me plainly, he would enter into no Expedient about the Language with the *Swedish* Ambassadors, his Orders being *de se tenir ferme*, and so would his Colleagues.

## 548 *Letters from the Embassy at Nimeguen.*

M. *Christine* is gone, nor do I hear that he is like to return; there is an old Embarrass between M. *de la Fuente* and myself, so that I am not in a Capacity to do Offices upon this Peace, when M. *Balbiſes* departs, unless his Majesty should please to direct I should, by fresh Orders.

I send inclosed a Protestation of the Prince and Bishop of *Liege*, and another of the Dean and Chapter, against the Article that relates to *Bcuillon*, in the Peace between the Empire and *France*.

HERE goes along likewise a Copy of the Treaty between the *Imperialists* and the *Swedes*, as I have it from these last fairly and correctly written.

BEING gone thus far, M. *Blaspiel* brings me another very long Protestation against the *Imperialists*, for wresting a Conclusion of the Empire, as if they had been authorized by it to do what they have done. He came to tell me likewise, that the *Imperialists* give out, that he, and M. *Heugh*, had refused to treat of a Cessation of Arms, for that they have no Orders; they did not give, he says, that for their Reason; but their Reason was, they would not enter into any Treaty at the Instance of the *Imperialists*, nor admit their Offices as Mediators. He does not believe, he says, there is a Peace made at *Zell*, notwithstanding the Noise made of it here; he is sure M. *de Rabenac*'s Secretary carried none with him signed, when he passed by this Town.

M. *Meinders* writes, he says, from *Paris*, that there is no good to be hoped for *Gleves*, nor that the Most Christian King will charge himself to persuade the King of *Sweden* to sit down with the Loss of some of his Country in *Germany*, for the Elector's Satisfaction; he must hold the Allies, he says, to the *April* Conditions, if *Sweden* do not of itself come to a Moderation. He hath Orders, he saith, to consent to a Cessation, but will do nothing in it at the Requisition of the *Imperialists*; and that M. *Heugh* will be here by and by, to make the same Declaration; and possibly they two may afterwards joyn, to desire me to make some Overture of it to the *French* and *Swedes*. I am, &c.

L. Jenkins.

*Nimeguen*, 13<sup>th</sup> Feb. 1678-9.

Right Honourable SIR,

ON Monday the 10<sup>th</sup>, a 6 at Night, I received his Majesty's most gracious Letters of Revocation to me from this Place; and am preparing to give them due Obedience. I take leave to add with all Joy too, in Regard they carry with them that Word of Comfort that his Majesty is pleased, of his Royal Goodness, to be so well satisfied with my poor Endeavours in this Service. I shall make all the Haste I can to lay myself at his Majesty's Feet, upon the Intimation you are pleased to give me in your *Postscript*; and resolve to leave most Part of my Equipage and Family to follow, when the Rivers are open; I shall away my self as soon as Sir *W. Temple* arrives here, for sooner I cannot think it to be his Majesty's meaning that I should stir hence. I am, &c.

L. Jenkins.

Nime-

Right Honourable SIR,

*Nimeguen, 13th Feb. 1678-9.*

I Troubled you this Morning, by the Express that brought me his Majesty most gracious Letters of Revocation; and have but little of the Business of this Place, to add by the Ordinary of the Day.

WHAT hath been done at *Zell*, is not otherwise known than by some imperfect Notices; this I think is certain, that there is an Agreement made up there, upon Condition that the Most Christian King, likes of the Terms, which are sent into *France*, to be submitted to his Approbation.

M. *d'Olivekrantz* told me yesterday, that M. *Ducker* is employed by the *French* Ambassador to go between them, the *Swedens*, and M. *Termulen*, that Court's Minister; that M. *Ducker* had been with them an Hour from M. *Termulen*, but that nothing is concluded; both Sides being obliged to stay till they hear from *France*.

'TIS said, the *French* Ambassadors had been with the *Swedens* 2 or 3 Days ago, to exhort them, as they did very warmly, to part with something to the Elector of *Brandenburgh*, but that the *Swedens* can do nothing for want of knowing their Master's Mind. M. *Beverning* says, he perceives plainly that the Elector will make a Shift to get out of this War, and that the King of *Denmark* will be left alone in it. I am, &c.

*L. Jenkins.*

## To my Lord Ambassador *Jenkins*.

*Hague, 16th Feb. 1678-9.*

MY LORD,

I Thank your Lordship for your Account of the present Scituation of Affairs when you left *Nimeguen*; and for your late judicious Reflexions on our Affairs at Home; I find them already in Part verified, by my Lord *Sunderland* being made Secretary of State: The News of which, I received but just now from the inclosed Letter. And since the Contents of it concerns your Lordship as much, or rather more than myself, I have taken the Liberty to transmit it to you by this Conveyance, without adding further to your Trouble at present, than that I am, MY LORD, &c.

*W. Temple.*

## To Sir William Temple.

*Whitehall, 11th Feb. 1678-9.*

MY LORD,

THE King has commanded me to let your Excellency know; that he has been pleased to make me Secretary of State in the Place of Sir *Joseph Williamson*, and to tell you, that his Mind is alter'd, as to what relates to you; for instead of Sir *Leoline Jenkins*, his Majesty has commanded me to recal you; and that you should immediately return hither with all the Diligence possible, in Case Sir *Leoline* is not already out of



## 550 *Letters from the Embassy at Nimeguen.*

of *Holland*. If that should be, you must obey the Orders I have sent him, which you will know by the Copy of his Letter, which I here enclose. By the next you shall have your Letters of Revocation, and what is necessary to the States, which I believe will be as soon as you can be ready to begin your Journey. I wish it may be speedy and prosperous, being with great Truth, MY LORD, &c.

*Sunderland.*

### To the Earl of *Sunderland*.

MY LORD,

*Neerbos in the Maes-Waal, an Hour  
of Nimeguen, Feb. 17th, 1678-9.*

IT is with all humble Thanks, that I acknowledge the Honour of a Letter from your Lordship of the 11th Current; and it is with all faithful Respects, that I wish your Lordship Joy and Happiness in the present Post, which it hath pleased his Majesty, out of his just Regard to your Merits, to assign you in his Service. I made Account, upon his Majesty's most gracious Letters of Revocation, to leave *Nimeguen* the next Day after Sir *W. Temple* (as his Majesty had ordered him) should return hither, which he intended, if possible, some Day this Week: But upon the Receipt of your Lordship's Letter, which came to my Hand yesterday at 10, I left the Town between 3 and 4, going through the Heart of it (with my People about me) at the Time the Streets were full of People coming from Church; it being, as I take it, the usual Course, in Case of such Dissatisfactions his Majesty hath with a great Part of this Assembly, abruptly to go out, yet very openly, and about the middle of the Day.

I took leave of no Ambassador, nor publick Minister; only I desired Mr. *Chudleigh*, (as Secretary of his Majesty's Embassy) to acquaint the *Northern* Ministers with what your Lordship was pleased to direct, notwithstanding some of them may be further advanced in their Peace, than to deserve any Complement for their Regards to his Majesty's Mediation.

M. *d'Eftrades* told me on *Friday*, that the King his Master had agreed to the Treaty that was made at *Zell*, and M. *d'Olicenkrantz* told me next Day, there was an Express lately gone from the Most Christian King to the King of *Sweden*, to acquaint him, that *France* would ratifie that Treaty, which M. *d'Olicenkrantz* thought the King his Master would have much ado to resolve on his Part, for that the Treaty had several weighty Exceptions to it.

1. THERE was the Value of 20,000 Crowns a Year in Lands and Rents alienated by it from the Crown of *Sweden*; a Thing of that Consequence, that if such an Alienation had been treated of here, he and his Colleague should never have dared (so contrary are their Instructions) to have consented to it, but must have broken necessarily thereupon.

2. THE House of *Brunswick* is to continue in the Possession of *Bremen*, and all they have taken from *Sweden*, till the General Peace be made, or else for 8 Months to come, in Case the General Peace cannot be brought about sooner; when they, the *Swedish* Ambassadors, by the Means of the *Holftein* Envoy, going underhand between them and M. *Schutz*, the Minister of *Zell* here, had come to an Agreement with him, M. *Schutz*, that all Places belonging to *Sweden* should be evacuated and restored to the House of *Brunswick*, immediately upon the Peace.

3. *Swe-*

3. *Sweden* as well as *France* is to become Guarand, that that House shall enjoy the Winter Quarters the Emperor, while in War, had assign'd it in the Circle of *Basse Saxe*; and whereas the King of *Denmark* and the Elector of *Brandenburgh* have Pretensions of Quartering upon certain Free Towns and Princes in those Parts, *France* and *Sweden* shall hinder them from those Quarterings, in Pursuance of a Guaranty the House of *Brunswick* hath given those Towns and Princes, that the King of *Denmark* and Elector of *Brandenburgh* shall not quarter upon them; this is not only harsh in itself, but contrary (as M. d'*Oliwenkrantz* understands it) to the Treaties now made between the Emperor, *France*, and *Sweden*. Other Things there are, as a perpetual Guaranty against the King of *Denmark* and Elector of *Brandenburgh*, in all Quarrels and Pretensions against the House of *Brunswick*, &c. And that *France* is not to pay the Money, but in Proportion to the emptying the *Swedish* Territories in one Month, and the King of *Sweden* in three.

THIS is the Account M. d'*Oliwenkrantz* gave, to the best of my Remembrance, of this Treaty, complaining very much of the *Swedish* Minister *Puffendorff*, who assisted at it, without Instructions or Orders, and did not oppose it, but seem'd to consent in all Things, tho' he did not sign.

I take Leave to inclose to your Lordship, a Print that the *French* Ambassadors have put out on *Saturday*. M. d'*Estrades* left the same Thing with me on *Friday* Evening in Writing. 'Tis to let the World know, that unless the King of *Denmark* and Elector of *Brandenburgh* do, before the End of *March*, N. S. give entire Satisfaction to *Sweden*, by restoring the Treaties of *Westphalia* and *Copenhaguen*, the Most Christian King will pretend new Conditions: The one, that *Lipstadt* be restored to the Elector of *Cologne*; the other, that the King of *Denmark* and Elector of *Brandenburgh* do reimburse him the Charges of the War.

BEING now out of *Nimeguen*, I am endeavouring to get to the *Hague*, to attend his Majesty's Commands there; but I am at present lock'd up between the *Waal* and the *Meuse*, the Ice not bearing (except it be Foot Passengers) to pass either River, and neither being yet afloat for ferrying over.

As for my returning thither again, I beseech your Lordship to consider, that my Commission is superseded under the Great Seal, by the Commission lately pass'd to Sir *W. Temple* to act alone; and consequently the same Authority will be requisite to revive the Powers I had jointly with others, before I can take upon me to act anew. Besides, M. d'*Oliwenkrantz* told me, in my last Conversation with him, that the Peace of *Brandenburgh* is most likely to be made in *France*, tho' they, the *Swedes*, wish it might be here, thereby to prevent such a Surprise as that they met with at *Zell*.

THE *Imperialists* and *French* have, in their new Treaty, engaged themselves to do Offices with their Allies, in order to the *Northern* Peace, and they have entered upon them already, without so much as desiring his Majesty's Mediation to interpose in Aid of them. Moreover, it was the Opinion of M. *Colbert*, that the *Imperialists* must come in as Parties Principal in those Treaties of the *North*; if that should happen, they would be sure to represent the same Thing they have pretended at the last signing, and then the farther we are off, the better.

THESE Things, together with the little Likelihood of doing any Thing to his Majesty's Satisfaction, I humbly beg your Lordship to submit to his Majesty's Consideration, and to leave it entirely to his own Royal Wisdom. I remain, &c.

*L. Jenkins.*  
Sir

*Sir Leoline Jenkins's Credentials to the States-General.**Hauts & Puissans Seigneurs, &c.*

COMME nous croyons, que rien n'importe plus au bien commun de Nos Eſtates & Sujets que de conſerver & cultiver de plus en plus l'amitié & bonne Correſpondence entre Nous; Et ayans eu experience de la Fidelité & Capacité du Chevalier *Jenkins*, Un de Nos Ambaſſadeurs Extraordinaires & Plenipotentiaires pour le Traité de la Paix à *Nimegue*, & Nous reſoſans ſur l'affection qu'il a pour cette fin, Nous avons fait choix de ſa perſonne pour reſider aupres de Vous en qualité de Nôtre Ambaſſadeur Extraordinaire. Vous priant de luy donner entiere creance en tout ce qu'il aura a Vous propoſer de temps en temps en nôtre Nom. Et ainſy Nous Vous recommandons, Hauts & Puiffans, &c. à la Sainte protection de Dieu. Eſcrit à Nôtre Cour à *Whitehall*, ce 14<sup>me</sup> jour de *Fevrier*, 1678-9.

*Vôtre bon Amy,*

CHARLES R.

Sunderland.

*Necrbos, 20th Feb. 1678-9.*

MY LORD,

I Received yeſterday the Honour of his Maſteſty's moſt gracious War-rant of the 14<sup>th</sup> Current, for my Removal from *Nimeguen* to the *Hague*, there to take upon me the Function of his Maſteſty's Ambaſſador, together with Credentials to the States General, incloſed in your Lordſhip's Letter of the ſame Date.

It is with the perfeſteſt Submiſſion poſſible that I reſign myſelf to the King's Pleaſure; what He thinks to be for his Service to command, becomes a Duty indiſpenſable upon me to obey. I know not whether I may have Leave to tell your Lordſhip this ſad Truth, that this Service had been, and I hope may be, yet better provided for, if my Unſuitneſs for it were truly repreſented to his Maſteſty. I am now paſſ'd thoſe Years, and not yet arrived at thoſe Abilities, that are requiſite to manage ſuch an Embaſſy as this is, which I take to be a Thing quite different from the Figure I had the Honour to ſerve in at *Cologn* and *Nimeguen*. Beſides, MY LORD, 'tis infinitely for his Maſteſty's Service, that he, whoever is his Maſteſty's Miniſter at the *Hague*, have the Honour to be better and more intimately known to his Highneſs the Prince of *Orange* than I am, having never had a ſufficient Occaſion to manifeſt the Veneration that I do ſecretly pay to his Perſon, and the Zeal I have for his Service: I will therefore hope, that the main of his Maſteſty's Deſign in this new Commiſſion, is to give me a fair Pretence to reſide at the *Hague*, till it be ſeen what Iſſue Things will come to at *Nimeguen*.

As to my Return thither again, I humbly take Leave to add to what I repreſented in my laſt to your Lordſhip, that as the Scheme does lie at this Time, there will be little Work to do for a Miniſter of the King's there, the *French* have all in a Manner in their Hands already. For the Peace between *Sweden* and the Eleſtor of *Brandenburgh*, upon which that between *Sweden* and this State ſeems in a Manner to depend, it  
being

being retarded for the Elector's Sake, the *French* have an Interest to be the sole Meddlers in it, since their Master must disburse what Money is paid to the Electors, and they must screw up the Electors to part with the most that may be of their Conquests, that the Promise of *France*, to have Sweden entirely satisfied, may be made as good as the Conjuncture will bear; so it concerns them to ingross the whole Management of this Treaty; that Advantages may be had from both the Parties.

THE Ministers now at Court, M. *Lindenaw*, *Spanheim*, and *Muller*, who press his Majesty to continue his Offices here, may possibly not know that M. *Ducker*, the Bishop of *Strasburgh's* Minister, is employed between the *Swedish* Ambassadors, the *Zell* Envoy, and the *Swedes*, and do Treat what shall be restored, what shall be retained, and what Money shall be paid; at the very Time, as I collect it, that the *Zell* and *Munster* Ministers desired me to go between them and the *Swedes*, upon a Preliminary, such as the *Plenipouvoirs* to be exchanged between them, as upon a very general insignificant Proposition.

THE Truth is, the *Danish* and *Brandenburgh* Ambassadors have been always very fair towards his Majesty's Embassy, the *Dane* especially, who hath upon all Occasions been positive and clear for his Majesty's Mediation, and no other. That which is to be observed of the *Brandenburgh* is, that having been ever since we first came hither at an Embarrass with the *French*, and having never seen one the other, upon a Point of Ceremony, there hath been of late Interviews between them both at the *Brandenburgher's* House, and third Places.

IF, notwithstanding all this, I should be commanded to return to *Nimeguen* again, I shall not know how to live with the *Imperialists*, *French*, and *Swedes*, without the Favour of your Lordship's Directions; for I did not give any of them the least Notice of my leaving the Town, and there must hence arise an Embarrass between them and me, without it pleaseth his Majesty to direct what is to be done in the Case; and his Majesty having given some Mark of his Dissatisfaction, it will lie upon them to give his Majesty some Testimony of their Regret.

IN your Letter of the 14<sup>th</sup>, you are pleased to mention some Instructions for me, I suppose they might not be ready by that Post, therefore I hope to receive them by the next.

I am here lock'd up still between two Rivers, I sent down as far as *Tiel*, to see if there be any Place open between this and that, but there is none, nor will the Ice bear a single Horse; which had it done on *Sunday*, I would have gone over to *Arnheim*; yet the Thaw gains but little, in regard it freezes hard at Night. I am, &c.

*L. Jenkins.*

*Neerbos, 24<sup>th</sup> Feb. 1678-9.*

MY LORD,

SINCE my last, which was of the 20<sup>th</sup>, I have the Honour of one of the 18<sup>th</sup> from your Lordship, and humbly thank you for it; it brings with it all the Comfort I am capable of in this World, in that your Lordship is pleased to let me see, that his Majesty looks so graciously upon my little Endeavours for his Service, as to be satisfied with them: I beseech Almighty God to bless his Person and his Counsels; sure I am, his Majesty deserves to be served better, than I can pretend to do; but I shall always (God willing) do my utmost. I am extremely obliged

## 554 *Letters from the Embassy at Nimeguen.*

to your Lordship, for your particular Condescension and Nobleness towards me: In the Figure I am in, I shall always need your Lordship's Favour and Protection, and shall acknowledge it with all Thanks possible. I am lock'd up still between two Rivers, the Ice in them hath been moving these 2 or 3 Days, but is not yet afloat so as to pass downward. No Boat dares yet cross the River; as soon as any does, I'll be sure to be moving hence, and make the best of my Way towards the *Hague*, that I may be so much the nearer to receive your Lordship's Directions, and give your Lordship what Assurances I shall be able of my being, with great Respect, &c.

*L. Jenkins.*

### *Sir Leoline Jenkins's New Plenipouvoir.*

CAROLUS Secundus, &c. Omnibus & singulis ad quod præsentem Literam pervenerint, Salutem. Quandoquidem per Literas nostras sub magno nostro Sigillo 13 die mensis Decembris Anno Dom. 1675. datas in expletionem Muneris Nostri Mediatorii (quod partium Belligerantium consensu susceperemus) Constituerimus perquam fidelem & dilectum Consiliarium Nostrum Johannem Dominum Berkley de Stratton (exinde defunctum), dilectumq; & fidelem nostrum Gulielmum Temple Barronetum nostrum apud D. D. Ordines Generales Fœderati Belgii Legatum Extraord. & Leolinum Jenkins Equitem Auratum in Suprema Admiralitatis Angliæ & Hiberniæ Curia Locum tenentem Generalem & Præsidentem, Curie Prærogativæ Cantuariensis Magistrum atq; in nupero hujus Regni nostri consessu sive Parlamento Senatorem. Ut & per subsequentes Literas nostras magno iisdem nostro Sigillo munitas de data 28 die Decembris Anno Dom. 1676. Dilectum & fidelem nostrum Laurentium Hyde Armigerum, tunc temporis magnum Garderobæ nostræ magistrum, vel eorum duos quosvis, nostros veros certos & indubitatos Legatos Ambassiatores Extraord. Commissarios Deputatos & Plenipotentiariorum pro Tractatu Pacis Universalis: Cumq; visum nobis sit dictos Laurentium Hyde & Gulielmum Temple domum revocare, plurimumq; fide, prudentiâ & singulari in rebus transigendis scientiâ prænominati Leolini Jenkins, Confidamus, Sciatis quod nos eidem Leolino Jenkins tanquam Legato nostro sive Ambassiatori Extraord. Commissario Deputato & Plenipotentiariorum per præsentem manu nostrâ Regiâ signatas Damus & concedimus omnem & omnimodam facultatem, auctoritatem, & potestatem, pro Nobis ac Nomine nostro interponendi officia omnia Mediatoria ad componendas quascunq; lites & controversias, quæ adhuc terminandæ restant inter partes sive belligerantes sive paciscentes; cumq; in finem cum eorum Legatis, Deputatis, & Plenipotentiariorum sufficienti Auctoritate ad id instructis, tam singulatim & divisim quam aggregatim & conjunctim colloquendi, tractandi, conveniendi, & concordandi, idq; omne quod hinc inde conclusum fuerit, nomine nostro tanquam Pacis Mediatoris signandi; superq; conclusis instrumento necessaria conficiendi, mutuoq; extradendi recipiendiq; Dantes Ulterius dicto Legato Nostro potestatem & auctoritatem pro Nobis & Nomine Nostro Guarantiam Nostram super conclusis declarandi omni meliori modo, ac generalitèr ea omnia tractandi, promittendi & faciendi in præmissis vel eorum quolibet, quæ necessaria videbuntur. Spondentes & in verbo Regis promittentes Nos omnia & singula, quascunq; a dicto Legato Nostro Extraord. virtute plenæ hujus potentie concludi contingent, grata, rata, & accepta (quâ convenerit formâ) habituros.

In

quorum Majorem fidem præsentibus magnum nostrum Angliæ sigillum  
honi fecimus. Quæ dabantur in Palatio nostro de Whitehall 20 die  
Feb. Anno Dom. 1678-9. Regniq; nostri 31.

CHARLES R.

*Neerbos, 27th Feb. 1678-9.*

MY LORD

**L**AST Night, between 8 and 9, this Bearer brought me hither his Majesty's new Commission for my returning again to *Nimeguen*, and for my acting there, if his Majesty should see Cause so to direct: It is with all Dutifulness and Thanks possible that I receive this Honour, and will pay my Obedience to it to the utmost of my Power. And I most humbly thank your Lordship for the Care and Favour you were pleased to have for me, that I should not be without a Commission, in Case his Majesty should command me to return again to the Function of the Mediation; your Lordship will have an Account from Mr. *Chudleigh*, of what has past at *Nimeguen* by Way of Memorials between the *Northern* Parties; the *Sweedes* would be glad to see the *Dane* and *Brandenburgher* lapse the Time prescribed them by *France* to make their Peace in, and it does not appear from any Thing I have observed of their Powers and Instructions, (as far as I can guess at them) that the *Danish* and *Brandenburgh* Ministers at *Nimeguen*, have any Thing in their Power, that will prevent this lapse; therefore M. *Meinders* must do it by his Address at the Court of the *France*, or else the *Nomine panæ* will fall heavy upon the Elector.

To Morrow Morning, I intend, God willing, to set out hence for the *Hague*. When I am there, I shall take leave to trouble your Lordship with what occurs, and to give what Evidences I can of that Truth and Respect wherewith I am, &c.

*L. Jenkins.*

*Hague, 4th March, 1678-9.*

MY LORD,

**I** Did not reach this Place sooner than *Sunday* Night: Yesterday in the Afternoon, I had the Honour to kiss the Princess's Hand; and this Morning at 10, which was the Hour assign'd me, I waited on the Prince. His Highness was pleas'd to give me leave to lay before him his Majesty's Orders to me, relating as well to this Place as to *Nimeguen*. His Reflexion and Advice was, that my Commission for *Nimeguen* being not determined, and Sir *W. Temple* being not revoked from his Embassy here, I need not be in Hast to deliver my Credentials; but that it would do well, if I give in a Memorial, that should suit with the Expectation I am now under of his Majesty's further Pleasure, either to be commanded back again to *Nimeguen*, or otherwise; however, he wished me to speak with the Pensioner, who hath since assigned me the Hour of 3 to Morrow in the Afternoon.

His Highness having spoke with much Concern of the present State of Affairs in *England*, which was such, said he, as disables his Majesty from doing that good to *Christendom*, that might otherwise be hoped with Assurance from him; added, that it would be a great Thing, and extremely to be wished at this Time, that his Majesty might make up the Peace of the *North*; that the Way to do it, is to speak roundly to

## 556 *Letters from the Embassy at Nimeguen.*

*Sweden*, and press it closely, not to pretend to be restored entirely to that is taken from it in this War. His Highness ask'd me, if I had yet heard that M. *Meinders*, the *Brandenburgh* Minister, was upon his Return from the Court of *France*, (as 'tis certain he is) without having been able to do any Thing for the Elector.

As for my returning again from hence to *Nimeguen*, I shall hold myself ready at an Hour's Warning, whenever it shall please his Majesty to order it; but I humbly beg leave, upon this Occasion, to repeat what I have already made my humble Suit for to your Lordship; That his Majesty having commanded me to withdraw thence, as a Mark of his being dissatisfied with what was lately passed there, it will be necessary, if I be remanded thither again, to do it upon his Majesty's express Command; for I do not see how I can presume to return thither, either of mine own Head, or upon the Instance of any of the Parties; since I must not pretend to determine what shall amount to a Satisfaction to his Majesty, after he hath once conceived a Displeasure; nor can I live with the *Imperialists*, as I have done formerly, till his Majesty declares himself satisfied, at least that he passes by what was done at the signing.

ANOTHER Thing his Majesty is concerned to be in some Measure certain of, before he does re-assume his Care of the Parties yet remaining in War, is, whether they are resolved to treat in good Earnest, and conclude at *Nimeguen*; for I hear, since I left that Place, that the Night Interviews between M. *Colbert* and M. *Blaspiel* do still go on: These Points I humbly leave with your Lordship to resolve, if there be Cause; and it would do well, his Majesty were assured from the Ministers of the *North* at his Court, that the Parties would (upon the appearing of his Minister again upon the Place) enter into the same Way of Conferences as the *Imperialists*, *French*, and *Swedes* did.

I most humbly thank your Lordship for your constant Care of me; for meeting with the Honour of one from your Lordship here, of the 25th past, I find you have not spared yourself the Trouble of Writing any one Post since you entered upon that great and busy Function. For the Occurrences of this Place, I humbly take leave to refer myself to Mr. *Meredith*; I have been so long acquainted with his great Diligence and Discretion, that I think myself happy in his Assistance in this and the other Part of the Work here. I am, &c.

*L. Jenkins.*

### *Postscript.*

JUST as I am closing, M. *Van Leeuwen* of *Leyda* favours me with a Visit, and tells me, the Peace between this State and *Sweden* is like to have an End in few Days; they, the States, being now about to send their last Orders to their Ambassadors at *Nimeguen*, where 'tis to be concluded, and not here, as was once said: Of the *Brandenburgh* Peace, he could say nothing; but that that of the Bishop of *Munster* was upon a good Foot. He spoke with very great Respect and Veneration of his Majesty, as having the Honour to have been made by him a perfect *Englishman*; he would continue so, he said, all the Days of his Life; and spoke his Wishes very affectionately of a firmer Union yet between *England* and this State, judging it the only Means, under God, to keep *Christendom* in Peace.

*Hague,*

*Hague, 7th March, 1678-9.*

MY LORD,

MY last that I troubled your Lordship with was of the 4<sup>th</sup>; since which, I have not the Favour of any from your Lordship, there being no *English* Letters since those of the 25<sup>th</sup> came in.

ON *Wednesday*, I waited on the Pensioner, at the Hour I told your Lordship in my last, was assigned me: He presently fell upon the Subject of our new Parliament, and ask'd me, whether I could propose any Thing to him, that might be done on this Side, for the Service of his Majesty, in Order to a good Understanding between him and his Parliament; then he himself immediately entered into the Consideration of several Ways that he thought this State might take for this End: The first he mention'd was, the sending of some Persons with Character from hence, that should do good Offices openly and avowedly between the King and his Parliament; but I told him, his Majesty, I thought, would never endure to hear of such a Way, since there cannot be any Thing more pernicious, than for Foreigners to suppose such a Breach at any Time; and that there was not the least Ground in our present Circumstances, to suppose it at this Time: Besides that, nothing could be more fatal to us, than to have a foreign State (especially this, that is in so strict a Friendship with his Majesty) come and own a Power in the Kingdom, that is not under its due Obedience unto his Majesty; and I took leave to observe to him, that our late King (of blessed Memory) had his Cause very much diserved and wounded, in the Beginning of his Troubles, by those that were sent over by this State to the long Parliament, under Pretence of Mediating between the King and the two Houses: He easily allow'd this not to be a proper Way; then he desired it to be considered, whether or no certain Instructions might not be sent from the States to their Ambassador in *England*, with this Limitation, that he should apply himself only to such as his Majesty should point out to him, and in that Manner only, that his Majesty should direct; or else in Case that the Offices of M. *Van Beuninghen* should not be without some Kind of Suspicion with his Majesty (in Regard of his former Applications to discontented and unquiet Spirits); he desired to know, whether the employing of other Persons in Conjunction with M. *Van Beuninghen*, who should be zealous to serve in such a Commission, would be acceptable to his Majesty. The States, he said, may be brought to do any Thing that shall please his Majesty to direct or like of; nor will they on the other Side offer to do any Thing, nor intermeddle in the least, unless they be encouraged and directed by his Majesty. All this he spoke with great Concern, and recommended it to me, humbly to lay it before his Majesty by this Post, saying, he should be able to bring any Thing about of this Kind, notwithstanding the Opposition of the Partizans of *France*, who are but too powerful among them here.

He was, he said, thus full, and thus free with me, for that if *England* be not, by its Union at Home, in a Condition to enter into Measures effectively with this State, *France* will over-run all, and none will dare stir to defend his Neighbour, in Case *France* do fall upon him: He look'd, he said, upon *Geneva* and the Protestant *Swissers*, as utterly lost, and the reformed Religion as extirpated out of *France*; this would not be, he said, if *England* and this State were in a vigorous Conjunction, and in a Condition to stand firm the one by the other; to this End, they



## 558 *Letters from the Embassy at Nimeguen.*

they on this Side will do any Thing that his Majesty shall please direct.

THE Pensioner having spoken to this Effect, with a Concern that was very hearty to my seeming, and having desired me to write of what he had spoken by this Post; I doubt not but your Lordship will find some proper Time to lay the whole before his Majesty, and to take his Pleasure, touching the Answer I shall make to the Pensioner upon it.

HAVING done with this Point, I asked his Opinion (as the Prince had desired me) touching my Circumstances upon this Place. He advised me, as his Highness had done, to give in a Memorial, but without making mention of the Character his Majesty is pleased to give me by his Credentials, in Regard that Sir *W. Temple* is not yet recall'd; and yet the Credentials do in a Manner suppose it, since they do not mention my being joyned to him; the Memorial is precisely the Sense of the Prince and the Pensioner, and I take leave to enclose a Copy herewith. I am with great Respect, &c.

*L. Jenkins.*

*Hague, 11th March, 1678-9.*

MY LORD,

Troubled your Lordship, not only on *Friday* the 7th by the Ordinary, but on *Saturday* from *Maesland-Ships*, and on *Sunday* by one of his Majesty's Yachts.

YESTERDAY I had the Honour to receive your Lordship's Letter of the 4th Current, for which I humbly thank your Lordship; it giving me all the Light and Instructions I can possibly expect. As soon as I received it, I laid before his Royal Highness the Duke of *York*, and the Prince, all that you were pleased, MY LORD, to acquaint me with, of his Majesty's Pleasure of my Return to *Nimeguen*: whereupon the Duke told me, he would not allow me to think further of attending him, till he were arrived at *Bruxells*, and enjoyned me with great Strictness to make ready for my Journey to *Nimeguen*.

THE Prince also, upon my humble Address to him, told me, that he looked upon the Letters he had writ to the King, for my going again to *Nimeguen*, as answer'd by this from your Lordship to me fully to his Highness's Desire; he being of Opinion, that his Majesty should press forward with his Offices for the Peace of the *North*, rather than withdraw them; and he having been press'd by the Ministers of the *Northern* Allies here, to get me sent to *Nimeguen* again, by his Majesty's Command; he might, he said, now justly press me upon these Orders of his Majesty, to be going thither.

HEREUPON I thought I was to ballance no longer, but to be in a Readiness to go hence, as I am to be going, GOD willing, the first Moment after that I have seen their Royal Highnesses embarked for *Flanders*. — And I am commanded by his Royal Highness to acquaint your Lordship, that he, and the Dutchess, intends to be going hence for *Bruxells* on *Friday* Morning next.

YOU will easily imagine the Surprize that his Arrival hath given all Sorts of People here, and the Variety of Constructions that are made upon it: But the Duke hath, to my Knowledge, taken several Occasions to declare, that this Command of his Majesty upon him, was received not only with all Resignation on his Part, but with a Resolution not to make any the least Step in these Countries, but, as it were, under his

Ma-

Majesty's Eye, and with a perfect Regard to that which his Majesty shall see from time to time to direct him.

THE PRINCE had yesterday a Review of his Guards near this Town, and he ~~was~~ at the Head of them, do those Military Honours (with his Sword ~~and~~) to the Duke, which he had never done to any before; and a ~~few~~ were the greatest in their kind, so the Prince is extremely applaud ~~ed~~ for doing of them. I am, &c.

*L. Jenkins.*

*Hague, 14th Mar. 1678-9.*

MY LORD,

**T**HIS Morning at 7, their Royal Highnesses set out from this Place (the Prince accompanying them) to *Rotterdam*, where two very fine Yachts of his Highness's were waiting for them; they were on Board by 10, but did not set Sail till after 12; the Wind being good, 'twas hoped they would be able to reach *Antwerp* to Morrow before Night.

HIS Royal Highness was pleased to charge me, as he was going on Board his Yacht, with the Pacquet inclosed for your Lordship. It was easie to perceive, upon the receiving of this Day sevensnight Letters out of *England*, (which came not to Hand till yesterday at 3) that the Incident about a new Speaker in the House of Commons was a most sensible Affliction to the Duke, least it should engage his Majesty in a Controversy not at all seasonable; and consequently become a Hindrance to those most weighty Affairs, which his Majesty had recommended to his Parliament. All Men here (Strangers I mean) do look upon it as inauspicious enough. I beseech GOD in his Mercy to turn all to the best.

I most humbly thank your Lordship for the Honour of yours of the 7th Current; it gives me an Article of Instruction so wholesome and seasonable, that I cannot possibly desire better; in that I am referred to his Highness the Prince, to determine what I am to do with relation to the King's Service, upon all Orders that your Lordship shall be pleased to send me from that Side; there could not be a more proper Remedy for my Inexperience in the Affairs of these States, nor a more effectual Means to be thought of, to promote the King's Service.

I ask'd the Prince, as I waited on his Highness in his Return from *Rotterdam*, when he would be pleased to send me away hence for *Nimeguen*; telling his Highness, that I was ready to go at a quarter of an Hour's Warning: He told me, that M. *Meinders*, the *Brandenburgh* Minister, was now returned from *France*; that his Highness had not yet seen him, but thought he might some time this Night; and then, that I should know what his Highness will determine as most adviseable for my Journey, and the Time of it, for *Nimeguen*.

I received the Letter address'd to his Majesty, that goes herein inclosed, from the Prince of *Salme*; 'tis, it seems, to advertise his Majesty, that the Princess of *Salme* (his Wife) is lately dead; that Princess was Prince *Rupert's* Niece, Daughter to his Highness's late Brother Prince *Edward*; the Prince of *Salme* sent me a Letter for the Duke too, which I delivered to his Royal Highness, and 'tis upon the same Occasion; but he sent me none for his Highness Prince *Rupert*. I am with all great Respect, &c.

*L. Jenkins.*

*Hague,*

Hague, 18<sup>th</sup> Mar. 1678.

MY LORD,

MY last to your Lordship was of the 14<sup>th</sup> Current, I have since, that is, on *Sunday* late at Night, received the Favour of one from your Lordship of the 11<sup>th</sup>; it came just Time enough to stop my Journey for *Nimeguen*, which I intended to begin at 4 the next Morning.

I gave your Lordship an Account in mine of the 11<sup>th</sup>, of the Motives I had to use that Liberty, to which it hath graciously pleased his Majesty to leave me, as to my returning to *Nimeguen*; and now when I gave his Highness the Prince (of whom I had taken my Leave already) an Account of the Stop that was put to my Journey by his Majesty's Orders, he was pleased to tell me, he would write to his Majesty by this Post, and lay it once more before his Majesty, that it was very much for his Interest and Service, not to lose the Hold he hath all this while had of the Mediation; but to endeavour all he could, that not the *French*, but his Majesty, should make up the Peace of the *North*.

YET when I was taking my Leave of his Highness, and desiring his Commands and Instructions for *Nimeguen*, he was pleased to acknowledge, that it was (while we are in so unsettled a Condition in *Engle*, a Thing scarce to be hoped for, that his Majesty's Offices would be in any Degree efficacious with the Parties; yet his Highness's Advice to me was, to speak the most pressingly that was possible to the *Swedish* Ambassadors, to come to Reason, rather than continue a War that is so dangerous to all *Christendom*, and that probably will not end with all the Satisfaction that they promise to themselves.

THIS was all it pleased his Highness to recommend to me by way of Command or Instruction for *Nimeguen*; but the States, upon a Memorial that the Prince and the Pensioner advised me to give in, (to advertise them of my leaving the Place) sent me an Extract of their Resolution upon my Memorial, and therein recommended to me the Peace of the *North* in general; then they mention two Particulars, the one, that I should do my best Offices, in order to hinder the *French* from taking Quarters in the Country of *Cleves*; the other, that I should endeavour to prevail with them to keep off from the Frontiers of this State. I take Leave to inclose a Copy of that Resolution, and of the Memorial which occasion'd it; as also of their Resolution upon my first Memorial.

WHEN I acquainted the Prince yesterday Morning, with the Satisfaction that his Majesty expects in four Points, before he do allow of my Return to *Nimeguen*: His Reflexion was, that there was no Hopes that the *Imperial*, *French*, or *Swedish* Ambassadors, would ever make it their formal Desire, that any Minister from his Majesty should return thither; much less that they would be brought to give any Satisfaction for what is past.

THIS is certain, that the *Swedish* Resident here, M. *Silverscroon*, was with me twice since my coming to this Town, from the *Swedish* Ambassadors at *Nimeguen*, once to know my Sense upon the Extent of Mr. *Chudleigh's* Commission; another Time, to desire my Covert for their Pacquets through *Denmark*; but at neither of those Times did he make any Request to me, in the Name of those Ambassadors, for my supplicating his Majesty for Leave to return; yet they certainly are the most concerned to have the Help of his Majesty's Mediation, not only in their Treaties with *Denmark* and the Elector of *Brandenburgh*; but also in those with  
this

this State; they not seeking to his Majesty, there is less Likelihood that the *Imperialists* or *French* will do it, they affecting to meddle between the Parties, and having great Ends to serve in such a Negotiation. As it is not like they will desire our interposing; so it is most improbable they will frame themselves to give any Satisfaction for what is past; the *French* and *Swedes* will plead they can have nothing imputed to them, since they would have given us the first Column in signing if the *Imperialists* had done it; much less will the *Imperialists* do Reason in the Case, for that would be to yield up the Point they think they have saved: Besides that, they have no further need of a Mediation at this Time.

As to the other two Points, I mean, that we should be assured beforehand, that the remaining Peace should not be Treated and concluded elsewhere than at *Nimeguen*; and that we should be sure the King's Minister should have Right done him, as to the Rank in signing; they are not without their Difficulties too, in my poor Apprehension; tho' the Prince was not pleased to come to any Reflexion upon them: We see what M. *Meinders* went for to *Paris*, tho' without any Manner of Success, besides that of carrying good Words from the Most Christian King and M. *Pompone* to his Master. The King of *Denmark*, as his Ambassador hath always profess'd, will not be brought to change his Majesty's Mediation, nor consequently the Place; but I doubt the Elector may be easily brought to change Hands, upon what hath been talk'd already some time ago of making the Peace here at the *Hague*, and now of late at *Berlin*, with M. *Rabenac* and *Puffendorff*; yet I owe that Justice to M. *Rooswinckle*, his Electoral Highness's Minister here at the *Hague*, as to acquaint your Lordship, that he told me yesterday, that notwithstanding what may be thought of M. *Meinders* his Journey to *Paris*, yet the Elector his Master adheres to his Majesty's Mediation, and desires to have his Peace finished by his Majesty's Hand, and by no other.

As to the last Point, which is our Rank and Place in the signing, the *French* having offered it formally to Sir *W. Temple* and myself, if we would have sign'd the Peace between them and the *Dutch*, I cannot think they'll now go back, nor the *Swede* or *Dane* make the least Difficulty about it: Yet *France* hath a Principle that it goeth upon, which I cannot but think on in the present Case; they allow the Emperor but a bare Precedency before their King, nor will they allow any Potentate to cut between them upon any Account whatsoever.

THIS made them introduce a Novelty (as they carried whatever they pleased to stand upon) in their Treaty with the Emperor; for instead of saying (as it hath been the constant Stile) *pax fit — inter Imperatorem & Imperium — ex una parte*; they separated the Emperor from the Empire, and thrust the Name of their King between them, that is, between the Head and the Body, that the *French* King might follow immediately after the Emperor: Now if we have a Rank in signing before them, having not had it before the *Imperialists*, they may possibly pretend, that they must not give us this Place which the *Imperialists* have refused us: least we be thought to be in a Rank above them, and yet below the *Imperialists*: But this is nothing but my Conjecture, or rather Apprehension, from the Ways that the *French* use to set themselves up.

UPON the whole Matter, his Highness the Prince is for his Majesty's present interposing, because it is extremely his Majesty's Interest, as well as of *Christendom* too, that the remaining Differences be made up by no other Authority and Offices than those of the General Mediator: On the other Side, these four Points will at least take up a great deal of

## 562 *Letters from the Embassy at Nimeguen.*

Time, for the respective Ministers to procure Orders upon, (for upon the 2<sup>d</sup> and 3<sup>d</sup> Point they will scarce do any Thing without Orders first had) to his Majesty's Content : Therefore I would humbly offer, to Consideration, whether his Majesty would not do best, to try if the whole Negotiation of the *North*, may be brought to be Treated in his own Court, and under his own Direction ; all the Parties have already their Ministers there, and I suppose they know the Mind of their Masters.

THE great and difficult Points are not many ; if the Elector might have *Stetin*, together with that which lies on the River *Pene*, and if the King of *Denmark* might have a Place or two in *Schoonen*, I conceive the Peace were made ; these Points being adjusted, the remaining Differences would easily and quickly follow.

HIS Majesty thus taking the Thing into his own Hands, the Embarrass and Delays that will, I fear, arise upon the *four* Points, wherein his Majesty expects first to be satisfied, would be avoided ; and the Influences of his Majesty's Royal Presence would be infinitely more effectual, than any Applications of mine on this Side can be : But all this I perfectly submit to his own Royal Judgment, and most humbly beg Pardon if I presume too far.

BUT there is another Thing that concerns his Majesty much more nearly ; it is, MY LORD, the drawing down of the *French* Troops in *Flanders* towards *Dunkirk* ; the Prince told me this last Night, adding, it was News that did not please him ; the disaffected *English* blow about the News very industriously, and say the Design of the *French* is against *England*, that all the Shipping that is equipped in the *French* Ports, is to rendezvous at *Dunkirk* ; they are said to be 37 great Men of War : This is certain, (as *C. Waldeck* first told me, and then the Prince confirmed it) that *M. d'Avaux* hath shewed to several of the States, Letters that he hath from the King, ordering him to declare, that the Preparations of *France* are not intended against *Genoa*, or *Geneva*, or any other Part of *Italy*. The Prince likewise was pleased to tell me, the Danger that *Skenken-Skans* is now in, the *French* possessed themselves of the Town of *Cleves*, and all the Country, and of a Castle, within less than a quarter of a Mile of the *Skans* : What Truth there is of the States sending to strengthen the Garrison there, I know not ; but *C. Waldeck's* Reflexion was, that no Garrison would do any Good, or be able to hold out, where there was no Army in the Field, nor any Hopes of Relief.

IN a Word, MY LORD, every body in this Country, that is sensible of the present Aspect of Things, cries out, they are undone here, unless

*L. Jenkins.*

### P O S T S C R I P T.

SINCE the writing of this, Mr. *Cbudleigh* advises me, that the *French* Ambassadors have, for themselves and their Allies, consented to a Cessation till the End of *April*, and that they were adjusting the Terms of it ; he adds, that if the Emperor and the Duke of *Lcrain* do not ratifie within the Time set by the Treaty, the *French* will have the additional Conditions mentioned in their Menaces of *January* last.

*Hague,*

*Hague, 21<sup>st</sup> March, 1678-9.*

My Lord,

**M**Y last was of the 18<sup>th</sup> Current, since which I have not the Favour of any from your Lordship; there is no Possibility of coming at the Raedt-Pensioner, till the States of *Holland* are separated; the Prince hath been pleased to tell me so; and that is the Reason I am not able to tell your Lordship, that I have acquainted him of his Majesty's last Orders to me relating to *Nimeguen*, which I received in your Lordship's of the 11<sup>th</sup>.

THE Prince was pleased to tell me last Night, that the Electoral College, and the College of Princes, had pass'd the Ratification, and that there was no manner of doubt, but the Free *Imperial* Cities would do the same; only it was to be feared, the Ratifications being to be carried back again to *Vienna*, they might not reach *Nimeguen* within the precise Time appointed for exchanging them; whether the Duke of *Lorain* does intend to ratifie in Form or not, is with me a Question, since his Minister (from whom I have a Letter just now) takes Notice indeed of the *French* Ambassadors Declaration, that is, in case that Duke did not ratifie within the Time, the Most Christian King would be at Liberty to change the Conditions, and ask what he pleased; but does not say what he might hope or fear of the coming of his Master's Ratifications to prevent this; but he speaks of a Person that the Duke his Master had charged with Letters of Submission, to be delivered by some of the Princes of the House of *Lorain* to the Most Christian King; and that that Person is stopt: This Minister desiring that, according to his Majesty's Royal Goodness for that Prince, some Care might be taken of him in this Conjunction: This being the Scope of his Letter, he seems to imply, that that Provision is not made, that would do the Business; nor can I see what I should be able to do, if I were at *Nimeguen*, in this Case; however, I humbly beseech your Lordship to lay the whole Matter before his Majesty, that the Duke may not want his Majesty's Help and Protection, if his Majesty sees any Place to give it him.

Mr. *Chudleigh* advises me this Day, that the Peace of the Bishop of *Munster* with *Sweden*, was made upon *Wednesday* Night; that the *Brandenburgh* Ambassador had agreed to a Cessation till the 1<sup>st</sup> of *May*, in the very Terms the *French* have projected it; that the *Dane* agreed the Thing, but hesitated at the Terms; and that the *Dutch* Ambassadors passed Offices between the Parties.

I sent to *Amsterdam*, to know what Commissions the Sieurs *de Preuill* and *de la Porte* have, as to their buying of Shipping there, &c. all that I can yet discover is, that the first hath a Commission to buy two *French* Ships that were taken at *Tobago*, and the other to buy Tackle; but both are to bring what they buy to the Port of *Dunkirk* with all Speed. I am, &c.

*L. Jenkins.*

P O S T S C R I P T.

HAVING since the writing of this received the Honour of one from your Lordship of the 18<sup>th</sup> Current, and the Prince being out of Town, I cannot determine any Thing of my Journey till I have the Honour first to speak with his Highness.

Hague, 25<sup>th</sup> *March*, 1679.

MY LORD,

THE last I troubled your Lordship with, was of the 21<sup>st</sup> Current; and in a *Postscript* to it, I acknowledged the Honour of yours of the 18<sup>th</sup>, which set me at Liberty again to return to *Nimeguen*, in Case the Ministers of the *Northern* Princes should continue their Instances to that Purpose, and that I should be thereto desired in the Name of the States General.

HAVING communicated this to his Highness the Prince, as soon as he returned on *Friday* Night, his Reflexion was, that I should no longer defer my Journey; that the States had requested me already; and that they would do it again, and so would the *Northern* Ministers: The States General had this Deliberation on *Saturday*, and on *Sunday* the Pensioner gave me a Visit in their Name; and by their Order, made it his formal Request to me, that I would, if it did consist with his Majesty's Pleasure, make all the Hast to return to my Functions at *Nimeguen*; that the States did hope his Majesty's Offices would bring about the General Peace most certainly, if Things did go as they should in *England*: This last he added, he said, of himself, and the Prince spoke to the same Effect, not doubting but that his Majesty's Mediation would be efficacious to that Degree himself could wish, if Things be calm and united at Home.

AFTER the Pensioner was gone, the *Brandenburgh* Minister, M. *Roomswinckle*, came to me, and made it his solemn Request; so had the *Osnaburgh* Minister some Days before: The Pensioner told me, I was not to expect that the *Danish* Envoy would come to me, because of the Punctilio of the Hand that he pretends from all Ambassadors, but that he had been already, and would be again, with the Prince, to request his Offices to dispose me, if possible, to return to my old Post. The Prince told me, this Envoy, and another *Danish* Minister, as also M. *Roomswinckle*, were with him yesterday on that Errand; and his Highness commanded me to assure your Lordship he had been solicited by them with all Earnestness for my Return.

THE previous Conditions that his Majesty required, being thus complied with, and the Prince being earnest in the Thing, I had no Place left to ballance, and the rather, in that the Parties at *Nimeguen* do (as his Highness observed to me) still continue their Respect to his Majesty's Mediation, having exchanged their Instruments for the Cessation by the Hands of Mr. *Chudleigh*; therefore I begin my Journey this Morning, tho' I must confess, without those Hopes I might have, of being successful in some Degree to his Majesty's Content, because our Affairs at Home are not better composed. However, I shall give your Lordship an Account from Time of what passeth, together with the Assurance of my being with great Respect, &c.

L. Jenkins.

*Nimeguen*, 27<sup>th</sup> *March*, 1679.

MY LORD,

I Took leave to trouble your Lordship with a Letter, as I was taking my Leave of the *Hague*, on *Tuesday* Morning; I arrived here at 9 last Night.

THE

*Letters from the Embassy at Nimeguen.* 565

THE *Brandenburgh* and *Dutch* Ambassadors did me the Favour to see me this Day, and the *Danish* Ambassador, as soon as I came to Town last Night; But none of them give me any Hopes of being able to do any good towards the Peace, the *French* are so high: I will hope by the next to give your Lordship some Account of the Complexion of this Place, together with the Assurance of my being, &c.

*L. Jenkins.*

*Nimeguen, 31<sup>st</sup> March, 1679.*

MY LORD,

MY last of the 27<sup>th</sup> to your Lordship, was but of few Words only, to let you know I was come to this Place.

I was in a great Anxiety, and am so still, in that it is his Majesty's Pleasure to leave me in a great Measure to myself, without other Directions than to act as I shall think it most consisting with his Majesty's Honour, and for the Good of the General Peace; so it pleaseth your Lordship to direct in yours of the 18<sup>th</sup>: I therefore resolved two Things.

1<sup>st</sup>, To acquaint the several Ambassadors here, in the first Conversation I should have with them, with the Dissatisfactions his Majesty received, by the Difficulty made to allow us that Place at the signing of the Peace, which was undoubtedly due to his Majesty's Ministers in that Function, and therefore it had pleased his Majesty to command me to leave the Congress; yet the Consideration his Majesty had for the quiet of *Europe*, as well as for several of the Parties still in War, had prevailed with him, first, not to determine his Embassy of Mediation here, and then to give Way to the Instances made with him at his Court, for the sending of a Minister hither again: To this Effect, your Lordship directs me (in your Letters of the 4<sup>th</sup> of *March*) to express myself, in Case of my Return hither again.

ANOTHER Thing I resolved was, not to lose any Time, but to lay hold of the first Occasion, to go upon my Offices, as if there had been no Interruption at all.

THE *Dane* and *Brandenburgher*, who came upon me one after another, as soon as they heard of my being come to Town, were very full in their Expressions of Thanks for his Majesty's Care of them; that his Majesty was their only Mediator; that it was their constant Resolution to depend upon him, and for that Reason, they had continually applied themselves to the Secretary of his Majesty's Embassy; and if they were forced to admit others to intermeddle, it was, because their adverse Party would not otherwise go on with the Negotiation; however, that they had made a Shift to keep the Gross of their Affair out of other Hands, intending it entirely for his Majesty. In these Discourses, they glided over what I observed to them of his Majesty's Dissatisfaction, and how he had sacrificed it to the Zeal for the Peace. So did the *Dutch* Ambassadors, who came next to see me, not replying any Thing as to the Reason for which his Majesty had commanded me away hence; but telling me, they had been careful not to meddle in the Functions of the Mediation; taking notice to me of the Orders they had to live in all good Correspondence with me; the States their Masters having so directed them, as appears by the Resolution which goes herewith inclosed.

As the *Dutch* past over this Point in Silence, so did M. *Oxenstiern*, who was the next that came to see me; he begun his Discourse with telling me, he had been always in Hopes that his Majesty would not leave them,



## 566 *Letters from the Embassy at Nimeguen.*

them, but go through with the Mediation; and he was very sorry; he said, the Cessation now agreed, and their Peace with the Bishop of *Munster*, had not pass'd through my Hands; but that there was a great deal of Work remaining, which he hoped might be finished by his Majesty's Authority; and the first, wherein he desired my Offices, was the 'Treaties of *Peace and Commerce*, that are still in the same State in which I had left them.

As soon as I was free of these Visits, I went to the *French* Ambassadors, being charged with a Commission towards them by the States General, in their Resolution, which I sent your Lordship already, touching the Quarterings of the *French* in *Cleves*, and the Frontiers of the States Country; besides, I was charged with another Commission by M. *Blaspie*, so that I had my Hands full enough, to enter into Business with them (as I had resolved to do) the first Moment I should be free after my coming to 'Town.

THE *Mareschal d'Estrades* had sent a Gentleman to complement me upon my Return, as soon as he heard of my Arrival: I begun with acquainting them, as I had done the rest, with his Majesty's Dissatisfaction; to which M. *Colbert* replied, that he was confident my Collegues and myself would do them, the *French*, that Justice, as to bear witness, how ready they were to give us the first Column in signing; how they had all along paid the Respect due to his Majesty's Mediation; and that they had, ever since my withdrawing hence, born the same Respect to it, making use of the Secretary of his Majesty's Embassy; both of them making large Professions, but M. *Colbert* especially, how glad they would be, every Man in his Particular, to contribute any Thing that lay in them to do, that the General Peace may be made up under his Majesty's Direction and Mediation. M. *Colbert* coming to my House next Day, and being upon the Theam of exchanging Ratifications, and executing the 'Treaty with the Emperor, told me, that the Ratifications had been sent them above three Weeks ago, and also a Commission for to agree here with the *Imperial* Ambassadors, the Time, and other Circumstances, for drawing the Troops of each Party, to march to their own Territories; and that they should have need of my Assistance; for that he thought that Article, which is the 27<sup>th</sup>, would have great Difficulties in the executing of it, especially if the Elector of *Brandenburgh* did not make his Peace before that Time. I told him, that for the affording of my Presence in Matters of meer Form, such as I conceived the exchanging of the Ratifications, I desired to be excused, having not assisted at the signing. Then said he, there is to be an Imbarraiss between you and the *Imperialists*: Whereupon I replied, that in Case there should any Difficulties arise upon the Subject Matter of the Treaty, or the interpreting of any Article of it, (whereon should depend the preserving of the Peace, and the well executing of the Treaty) I would, upon the Knowledge I have of his Majesty's great Zeal for the General Peace, and of the Generosity wherewith he hath sacrificed his Resentments to it, assist and go between them, the *French* and the *Imperialists*, unless it should please his Majesty to command me to forbear.

THIS was my Answer, in Prospect of this great Incident that is like to be, tho' I am of Opinion, that the *Imperialists* will endeavour, in Order to avoid my Offices, to put their Commission for the evacuating of the Places, and withdrawing of the Troops, to be managed by the Nuncio and his Auditor.

THIS gives me Occasion to beg your Lordship to discover, whether I have hit upon a Temperament that is to his Majesty's Liking, in that I do intend, on the one Side, not to see the *Imperial* Ambassadors upon  
any

any Visit or Matter of Form; and, on the other Side, not to decline going to them, or to receive them at my House, if there should any Business arise relating to the Treaties they have made with his Majesty's Mediation, or to the Peace and good Order of this Place; nor yet to avoid going to any third Place, where the Business of my Function shall lead me.

HERE is one extraordinary Case, wherein I most humbly beg his Majesty's Directions, as well as upon that before; the Minister of the Bishop of *Osnaburgh* hath been with me, to desire my Offices with the *Imperial* Ambassador, in Favour of the Prince his Master; he desires withal, that Mr. *Skelton* may have his Majesty's Orders, to apply to the Emperor to the same Effect; 'tis not properly the Business of the Mediation, as your Lordship will find in a Paper apart herewith inclosed; it is between Allies, and not Enemies; it is for the Favour and Concurrence of the Emperor at the *Imperial* Dyet, and not to make any Part of our Treaties here; it is, the Prince of *Osnaburgh* having, by the Treaty of *Munster*, a Right to succeed Alternatively in that Bishoprick, and the *Romanist* being of Course to succeed this present Prince, who is a *Protestant*, desires that his Son may come in and have that Turn; and then for Recompence, two *Popish* Bishops shall come in successively after him. The Question now is no more, than to do Offices at *Vienna* to this Effect, and not require me to go upon this Errand to the *Imperial* Ambassadors here, considering my Commerce with them is not now as it was formerly, and that the Thing itself is not properly the Business of the Mediation. But the *Imperialists* are the only Ministers that I am like to have an Embarrass with, for so I guess, having not yet heard from them, as I have from all other Ministers (that I yet hear of being in Town), excepting M. *de la Fuente*, whom I cannot see upon an old score.

THIS is all the Account I have to give as to the Ceremonial Part, and how I have acquainted the Ministers here of his Majesty's Dissatisfaction, and of his having sacrificed it to his Zeal for the General Peace.

As to the other Point, I had resolved to enter upon my Function out of Hand, it is thus: The *French* Ambassadors, on *Thursday* Night, excused themselves from receiving the Project of a Peace that I had of M. *Blaspiel's* in my Hand; not that they intended to make any Difficulty, or that there could be any in making up the Peace between *France* and the Elector, but that they must require, as a previous Condition, that M. *Blaspiel* should declare, that he did purely and simply accept those Conditions, that the Most Christian King had in a Manner prescribed to all the Parties, the 15<sup>th</sup> of *April* last: Besides that, it was in vain for them to receive a Project of Peace, when the Project to be offered at the same Time from M. *Blaspiel* to the *Swedes*, did carry in it the Demand of all *Pomerania*; so that, upon the whole Matter, they, the *French*, would not, or could not, he said, do any Thing till this Ally was satisfied; only they recommended it to me very much, to do my Offices to bring the *Brandenburgher* and the *Swedes* as near together as I could; and when the *Brandenburgher* should be got off his high Demands of *Stetin*, &c. then they, the *French*, would come in, and bring the *Swedes* to part with something (tho' they could not promise it would be a Thing considerable) for the Peace's Sake.

M. *Oxenstiern*, when I spoke to him of the Project I had in my Hand from M. *Blaspiel*, told me, he could receive none, till he were satisfied beforehand in two Points; the one was, the Liberty of Correspondence with the King their Master; the other was, the setting at Liberty of those

## 568 *Letters from the Embassy at Nimeguen.*

those *Swedes* that were shipwrackt at *Bornholme*, and repairing that high Violation of their Passport that he charged the *Dane* with: Besides, he says the *French* Conditions of *April* last must be accepted purely and simply by the *Dane* and *Brandenburgher*, before their Allies the *French* be at Liberty to Treat; and since the *French* would not till that were done receive any Project, no more would they the *Swedes*.

BUT when I told him, I should be in a Condition within a Day or two to satisfy him about the Liberty of their Correspondence, and that it was hard to make this Incident of *Bornholm* to be such an Obstacle, as to debar us from entering into Negotiation, as also that the *French* might put their *April* Conditions into *Contre-project*, as one of their Articles, and so the Negotiation would be set on Foot; and yet the *Swedes* would have it entire not to conclude, before they were satisfied in the Business of *Bornholm*; as also the *French*, till they had an Answer upon their Demand, of having the *April* Conditions accepted; he took Time to consider of the whole Matter, to advise with his Colleague, (who is at this Time ill, and admits of no Visit) and to take his Measures with the *French*, about their accepting or not accepting the respective Projects that I am ready to give into them.

M. *Blaspiel* guesses, from the Demand that the *French* make, that their *April* Conditions should be accepted; that they do not mean to make a Peace; for if he should accept those Conditions beforehand, the Elector would not have any Pretence to retain any Thing, but must restore all to *Sweden*: He gave me Liberty, by word of Mouth, to tell the *Swedes*, that however his Proposition in Writing was for the Cession of *Pomerania* to the Electoral House, yet the Elector would be content to have it for himself and the Heirs Male of his Body, and after to return to *Sweden*; only he pretended the Title should be always in his House: Besides, he would do what he could, that *Sweden* might have Compensation some way or other in the Empire, for what should be parted with to the Elector.

THE *Danish* Ambassador has promised me, ever since *Thursday* Night, a Declaration that should be satisfactory to the *Swedes*, about their Letters and Couriers; but he will not accept the *April* Conditions, nor the Treaty of *Copenhague*, and he will have a *Contre-project* exchanged at the same Time that his own is given in.

THUS stand the Pretensions of the several Parties; but, as far as I can gather, there is but little Hopes of a sudden close: M. *Blaspiel* expects new Instructions, upon the Report that M. *Meinders* shall have made to the Elector, at his Return to *Berlin*; and he let fall to me, that the Elector might possibly be advised to make a Peace with *Sweden* upon their own Terms, but that he would never advise any such Thing, tho' he be the most press'd of all the Elector's Ministers; all he hath in the World being in the Dutchy of *Cleves*, and in the Hands of the *French*.

ONE Thing I perceive that he and the *Dane* do much hearken after, and, which is more, do hope for, that *England* may yet break with *France*; however, that the Treaty between the Emperor and *France* will not be so soon executed, especially the 27th Article, (which I have mentioned already) for emptying of Places, and withdrawing their Troops on both Sides: Nor are they without Hopes, but the Duke of *Lorain*, with what Force he can make, may come into their Party: It is certain, that the Duke will not ratifie, nor does he desire that the Emperor should ratifie that which concerns him; the Emperor will be willing to raze *Philipsburgh*, (as M. *Cannon* told me) and to procure what further Content he can for *France*, provided some Ease be given to that Duke.

THE *Swedes*, on their Side, will come (as far as I can guess) to no Conclusion, till their Courier, that has carried hence the Cessation of Arms, and their Treaty with the Bishop of *Munster*, be returned; and then little of Compliance is to be hoped from them, towards the contenting of the Elector; whom they look upon as decaying, & hate very much, and not like to hold out long, and therefore concerned to make up his Peace as soon as is possible.

M. *Colbert* has complained to me exceedingly, in the several Conversations I have had with him, of the Difficulty they, the *French*, have, to satisfy their Ally the *Swede*; which hath obliged him and his Collegue to write to the Most Christian King, that let *France* do what it could for *Sweden*, it was in a manner impossible to content it; it was therefore his Opinion, (tho' he did not say they had writ so to the Most Christian King) that they must at last limit the particular Conditions that they shall think reasonable for *Sweden* to accept from the Elector and *Denmark*; and to tell them, that the Most Christian King's Treaties and Honour would be fully satisfied, in gaining for them such and such Conditions; which, if they would be content with, they would imploy their Offices and Arms to procure them; but if not, *France* was not bound to exhaust itself by continuing in an everlasting War, to procure for them what they could not demand in Reason. This he spoke to me in Confidence, and this is all the Account I can yet give of the Negotiations here, after several Conversations had with each of the Parties.

THE Answer that the *French* gave me, upon what the States General had recommended to me, goes herewith, and apart in the Copy of my Letter to the Pensioner upon that Occasion. I am, &c.

L. *Jenkins*.

*Nimeguen, 1<sup>st</sup> April, 1679.*

MY LORD,

IN the close of my Letter of yesterday, I mentioned to your Lordship M. *d'Esstrades* Journey to *Amsterdam*, together with the Reason which was given for it, which was, to offer to that City the King his Master's Protection. Some Hours after the Post was gone, the *Dutch* Ambassadors told me, that there was another Reason given for that sudden Motion; which was, that there being a Likelihood there would be ere long a Breach between *England* and *France*, the Marechal went to fix that City, and to keep it, if not openly and avowedly within the Interests of *France*, yet from taking any Part with *England* against *France*; this, M. *Heugh* said, he had from a pretty good Hand. 'Tis certain that this Voyage was not thought of by the Marechal, till the *French* Letters came in on Sunday Morning, nor was it declared to the Family, till the Marechal was going to Bed at Night: He went away yesterday at 6 in the Morning, designing to reach *Utrecht* by Night, and then to set himself in the Night-Boat, that he may be at *Amsterdam* early this Morning. M. *Heugh* told me, that M. *Colbert* is not pleased, that he was not acquainted, at least as timely as the Marechal himself, with this Commission, for he knew nothing of it but what he was told late overnight. The Reason given out here for this Voyage is, that the Marechal is gone to settle his Affairs relating to a Regiment he had formerly in the Service of this State, which he would gladly bring his Grand-child in to. The Marechal sent for *Preuill*, (who, I told your

## 570 *Letters from the Embassy at Nimeguen.*

Lordship, was at *Amsterdam* to buy Ships, and to bring them to *Dunkirk*) and would have had him take a Turn hither, upon the pressing Haste he was in to return to *Dunkirk*. This is all that I can yet learn of this Matter, which, tho' it be but little and uncertain, yet I send it by Express to the *Brill*, in Hopes to overtake the Pacquet-Boat that is to go off with yesterday's Letters. *M. d'Eftrades* is to be back on *Friday* next. I am, &c.

*L. Jenkins.*

*Nimeguen, 3d April, 1679.*

MY LORD,,

HAVING given your Lordship a much longer Trouble by my last of the 31<sup>st</sup>, and by another of the 1<sup>st</sup> Current, than I would willingly have given, especially in Parliament Time, I'll endeavour to make some Amends by this, in being so much the shorter.

HERE is nothing yet ripe in any Negotiation between the *Northern* Ministers, only I flatter myself the *Swede* and the *Brandenburgher* will be brought off the Preliminaries: I am possessed likewise with two Treaties of Peace and Commerce, and the Differences upon them, between the *Swede* and *Dutch* Ambassadors, but have made as yet no Progress in them.

*M. Colbert* was with me this Morning, to acquaint me, that *M. Calco* had had Orders of the King his Master, to forbear all Military Executions in the Country of *Cleves*, on the other Side the *Rhine*, (which was a Thing the *Brandenburgh* Ambassador stood upon at the making up of the Cessation) till after the Expiration of it, which will be the 1<sup>st</sup> of *May*, *N. S.* and he and his Colleague, who (he told me) would be back from *Amsterdam* to Morrow at Night, will write effectually to *M. Calco*, to have this observed.

THIS News I carried strait to *M. Blaspiel*, who received it with great Joy, for the Interest and Compassion he hath for those poor People. I had a long Debate with him, upon the Preliminaries he hath depending with the *Swedes*; I find him fair and pliable, and the *Swedes* are brought about very much as to him, but not as to the *Danish* Ambassador at all; the Offices of *M. Colbert*, whereof he was pleased to give me an Account at large last Night, having been very prevalent with them.

THE *Imperial* Ambassadors sent a Gentleman to me last Night, to desire me to give them an Hour, that they might *see me and serve me*, those were his Words, at my Houle: My Answer was, that if it was Matter of Ceremony only, or Matter of meer Formality in the Negotiation, such as my assisting at the Exchange of the Ratifications, I found myself first obliged to write, and humbly beg to know his Majesty's Pleasure, before they should take any such Trouble upon them; but if there was any Incident fallen out, or any Office relating to my Function to be done between them and any other, that were Parties to the Treaties, I was ready to receive them, and to do my Office, as near as I could, answerable to his Majesty's Intentions and Zeal for the Publick Peace. The Gentleman took upon him to say, it was no Formality as he believed, and that if I pleased, he would inform himself further underhand: I told him, his Masters could quickly determine that; and desired him to let them know, that if they had any Offices to require of me, in order to the Ends abovementioned, I should be ready at all Hours

I thought

I thought this to be the best Way, and upon such an Opportunity, not to conceal that his Majesty had Resentments of what is past, and that he did not sacrifice them to any other Consideration, but that of the General Peace: At least, I thought the lesser Complaisance I shew'd, upon a captious and cold Address as this was, was the safer Hand for me to err on, since his Majesty's Dissatisfactions had been so publickly taken Notice of.

M. *Colbert* asked me last Night, whether I could suffer that the Ratifications should be brought by the Secretaries on both Sides unto my House, and fetch'd away again by Secretaries; I excused myself with telling him, that if there arose any Difficulty relating to the exchanging of the Ratifications, I was ready to do such Offices as might be useful to reconcile any Difference; but for the Ceremony of exchanging, his Majesty's Ministers having not had the Part they pretended in the signing, I could not enter into it without further Order; which I beseech your Lordship to send me, if I have erred in any of these Steps; but M. *Colbert* seem'd to be satisfied. I am, &c.

*L. Jenkins.*

*Nimeguen, 7th April, 1679.*

MY LORD

SINCE my last of the 3<sup>d</sup>, we have been able to make no Progress, either in the Peace of the *North*, or in that between *Sweden* and this State. The last Letters the *Brandenburgh* Ambassador hath from *Berlin*, are indeed after the Elector's Arrival there, but M. *Meinders* was not yet come; and consequently nothing final could be expected from the Elector: The Express that carried the Peace with the Emperor to the King of *Sweden*, is not yet returned; and for that Reason the *Swedish* Ambassadors here do in a Manner decline Conferences, only they are content to wave the Preliminaries between them; and the Ambassador of *Brandenburgh*, provided he declares beforehand that he accepts of the *French* Conditions propos'd in *April* was 12 Months, and consents to the entire Re-establishment of the Treaties of *Westphalia*; which, if he does, amounts fully to the yielding up of all his Majesty's Pretensions.

I had Conference on *Saturday* with the *French*, upon Occasion of this rigorous Demand of the *Swedes*; they told me, their Orders were express to stand by them; only they added, that when the *Brandenburgh* Ambassador should so moderate his Demands, that they, the *French*, might judge it reasonable for the *Swedes* to close with them, rather than continuing the War, they would then come in and joyn with me; and if their Offices would not do, they hoped the King their Master would speak effectually, and bring the King of *Sweden* to close with the Elector. But when they said it must not be any considerable Matter that the Elector must pretend to retain; some Parcels of Land that the *Swedes* got from him by particular Agreements, after the Peace of *Westphalia* was made, he may have again, and that will be all.

The Ratifications between the *French* and the *Imperialists* are not yet exchanged, tho't be 8 or 9 Days since the *Imperialists* received theirs; the Difficulty is, as I understand from others, the *Imperialists* would have an Act from the *French* Ambassadors, to declare that the Duke of *Lorraine*, not ratifying within the Time limited, the Emperor and Empire are not bound to make good any Thing that is promis'd in the Treaties on his Behalf; but that the Articles are to be reputed *pro non scriptis*, and

## 572 *Letters from the Embassy at Nimeguen.*

that this Case is to be put off to further Treaties : This Declaration the *French* Ambassadors have not yet given.

THE *Swedish* Ambassadors, for their Parts, have given in the Protestation that goes herewith inclosed ; to the End it may appear, there wanted no Diligence on their Part, tho' their Ratification should happen not to come to hand within the Time.

YESTERDAY the *French* Ambassadors were with me, to tell me, that the King their Master had, by the Letters they had newly received, commanded them to make it Publick in this Assembly, that he desires nothing more heartily than a General Peace ; that in order to have it speedily, there was not any better Means, than to be in a Condition to prosecute the War effectually ; that he had appointed two great Armies to be drawn together, and to be in a Readiness, the one in *Alsatia*, and the other in the Neighbourhood of the *Bas-Rhine*, and there to expect the Exchange of the Ratifications ; and not only that, but the executing the Peace, by withdrawing of the *Imperial* Troops into the Hereditary Countries, and by the voiding of those Places that the Emperor now possesses, and is, upon the Peace, to give up to their Proprietors in the Empire.

THEY did not desire me to pass any Office upon this Point with the *Imperial* Ambassadors, or any other ; whether the Emperor will be brought to do this, a little Time will shew ; but his Ambassadors, in the Conferences we have had upon this Matter at the making up of the Treaty, did industriously avoid to promise the Thing expressly, and would not be brought to mention the Retreat of the Emperor's Troops into the Hereditary Countries, since the Troops of *France* were not to retreat within the *French* Territories, but to continue in the Posts assigned them in the Empire.

ANOTHER Thing they told me out of the same Letters, and desired me to pass my Offices upon it towards M. *Blaspiel* ; it was, that the Most Christian King, upon the Complaint of M. *Couingsmark*, doth highly resent, that the Elector of *Brandenburg* does refuse to him the Securities that are necessary for him and his Troops to pass into *Sweden* ; therefore it was expressly said in the Letter, that if the Elector do not procure for him the free Passage that he hath promised ; as also procure those that are Prisoners, after they had been wrack'd at *Bornholm*, to be set at Liberty, he the Most Christian King — *prendra toutes les occasions de Luy en faire c prouver son ressentiment particulier, & de Luy faire connoitre combien il est indigné d'un semblable procedé à l'égard de ses Allies.* These were the very Words of the Letter : I gave an Account of them immediately to M. *Blaspiel*, and telling him likewise of the two great Armies that *France* intended to have on Foot, his Reflexion was, (particularly as to the Army upon the *Bas-Rhine*) in beseeching GOD there might no Mischief befall the Kingdom of *England* by this great arming, which does not seem so necessary for to bring about the Execution of the Peace between *France* and the Empire. I am, &c.

L. Jenkins.

*Nimeguen, 10th April, 1679.*

MY LORD,

SINCE my last, which was of the 7th, M. *Blaspiel* desired me to represent to the *French* Ambassadors, how reasonable it was that the Most Christian King should procure to the Elector of *Brandenburg* a Peace



Peace that should be at least of equal Advantages to him, as that is which was lately made at *Zell*, by the sole Procurement of *France*, to the House of *Lunenburgh*. 2. That tho' the Elector should have all he hath gained in *Pomerania* yielded and made over to him, yet this Peace would not be at all as advantageous to him, as that of *Zell* is to the Princes of *Lunenburgh*. 3. That to the End *Sweden* might not be thought to part with *Pomerania* without a Compensation some other Way, the Elector was ready to shew how that may be done, partly by *France*, partly by the Empire, and partly by himself.

BUT the *French* Ambassadors were so far from relishing any Thing of this, or entering into a Discussion of the Reason, when I laid it before them, which was on *Tuesday* last, that M. *Colbert* said, they would leave *une proposition si honteuse*, to be answered by M. *Catco*, who was then in Town; that he would be sure to do it as soon as ever the 1<sup>st</sup> of *May* came, for then the Cessation of Arms expires; that this was to be answered no other Way, than by the Mouth of good Cannon; that they would stick to their Allies, so as to bring the Elector to render to *Sweden* every Inch of the Possessions he had gained; and that the Elector had failed the King their Master in his Word on several Occasions; and more to that Purpose, all with great Heat.

THE Truth is, this Answer, and the Manner of it, was such, that I could not but suspect, upon comparing it with the Conference I had had with them but on *Saturday* last, about the Means of making up the Peace between *Sweden* and the Elector, that they had some sharper Orders that had since intervened. This I am the more apt to believe, because that being yesterday with the Mareschal, to desire him to write for a Prolongation of the Cessation of Arms; he said, it was not to be done, and that they durst not write about it, M. *Catco* having had strict Orders to pass the *Rhine* as soon as ever the Cessation is ended, and to possess himself of all the Elector's Countries in his Way to *Lipstadt*, *Minden*, &c. to the *Weser* Side; that the Elector, on the other Side, takes very wrong Measures, which do much offend the Most Christian King, in that he thinks of abandoning his Countries here, and to defend *Pomerania* against all the Powers of *France*; whereas he will be less able (as M. *Colbert* expressed it upon another Occasion) to set out 10,000 Men, than *France* to pour in 100,000 Men upon him. Besides, the House of *Lunenburgh* do already put themselves into a Posture to oppose the Passage of any Troops of his to the Defence of *Minden*, or any Thing else he hath on this Side their Country.

IF the Most Christian King do resent it as a great Disappointment to him, that the Elector did not give in to the Peace, I humbly submit it to Consideration, whether he did not intend, in case the Elector had made his Peace, to imploy these Forces some other Way; it being in every body's Mouth here, that *France* is designing some Mischief against *England*; and the Ground they generally go upon is, the great Force that is continued still on Foot in *Flanders*. I cannot learn there are above 10,000 Men in these Countries of *Cleves*, *Fuliers*, and *Cologn*, for their Expedition towards *Weser*: M. *d'Esfrades* did not speak of their Number, but that they are to be re-inforced with 20,000 Men out of *Flanders*.

WHEN I gave M. *Blaspiel* an Account how the *French* Ambassadors rejected his Overture, and that there were no Hopes of building any Thing upon that Foundation; he professed seriously to me, he had no Orders to go any Thing lower, and that he dares not advise his Master to submit to the shameful Terms that *Sweden* would reduce him to, but  
rather



## 574 *Letters from the Embassy at Nimeguen.*

rather to run the Hazard of all Extremities ; tho' there might be some that would advise him otherwise.

M. *Blaspiel* took Notice to me, in this Conversation, of the Talk that is at present in this Town, how the Elector is making his Peace, some say at *Berlin*, others at *Hamburg*, and that he intends not to have it concluded here ; it being confidently given out, that the Count *de Rabenac* is already at *Berlin* ; others will have him to be, as 'tis most certain he was by the last Letters, at *Hamburg* ; and that M. *Meinders* was going from *Berlin* to join him there. To shew how groundless these Reports are, he produced a Letter from M. *Meinders*, of the 29<sup>th</sup> of the last Month, O. S. it was written about half way between *Zell* (where he had made a Halt for some Days) and *Berlin*, whither he was hastening ; in his Letter, he wrote that he had been much made of by the Dukes of *Zell*, that he had met the *Sieur de Rabenac* there, and that he had told him, he had no Orders from the King his Master to go to *Berlin* ; this he desired me to take Notice of, and to make an humble Representation of it to his Majesty ; adding withal, that the Elector does rely (and will do) so much the more upon his Majesty's Mediation, as that he finds his Majesty hath been pleased to send a Minister hither back again, in Consideration of the Elector.

THESE Reports of Conferences at *Hamburg* are so much the more strong, that C. *Antoine d'Oldemburgh* is come thither, and has had Conferences with the C. *de Rabenac* ; but one of the *Holstein* Ministers told me last Night, that one of the great Ends (if not the only one) of C. *d'Oldemburgh's* coming thither, and of the King of *Denmark's* coming to the Neighbourhood, that is, to *Gluckstadt*, is to bring the Duke of *Holstein*, if possible, to a separate Accommodation from *Sweden* ; which that Duke hitherto absolutely refuseth to hearken to, resolving not to make his Peace, till the King of *Sweden* do make his.

ON *Tuesday* Evening M. *Oxenstiern* was with me, to acquaint me, that having received from the King his Master his Ratifications of the Peace with the Empire, he and his Colleague were commanded to express the high Sentiments of Thanks that their King had for his Majesty, for his great Affection for the Good of that King and Kingdom, for his indefatigable Pains in his Offices of Mediator, and for the happy Conclusion he had by his Directions put to the Peace between *Sweden* and the Empire. This he desired might be represented to his Majesty, as a Matter that the *Swedish* Ambassadors had in special Charge to acquit themselves of, as soon as their King's Orders came to their Hands.

IN the next Place, he told me, that having received their Ratifications, he and his Colleague wished very much they might pass through my Hands ; that it was a great Regret to them, that his Majesty's Ambassadors did not assist at the signing, as it had been always their Meaning that they should have the Place due to them at the Solemnity ; and that it was the common Cause of Kings that we maintained, and that they would always look upon it as such ; that it was very much for his Majesty's Honour, that he was pleased to allow of my Return to do my Functions, as before, in the *Real*, and that they durst not ask me to do it in the *Ceremonial* part ; only his Majesty having therein taken a Temperament, which suited best with his own Zeal for the General Peace, and with the present Needs of *Christendom*.

ANOTHER Thing was, to excuse to me M. *Sikercroon*, who had promised to give me in Writing the Day before, that Light and Prospect in the Differences between the *Swedes* and the *Dutch* about their Commerce, as would enable me to bring both Parties to a close ; that upon  
their

their Debate of the Matter, they had found it to be the best Way, that M. d'Ossenkrantz should forthwith go to the *Hague*, (as he was gone that Morning) notwithstanding a very great Indisposition upon him, and take M. *Silvercreon* along with him; in Hopes that, during the present sitting of the States of *Holland*, they might put an End to that knotty Business upon the Place; but so, he said, as to do no more than to prepare Things, and bring them to a Point, but the Treaty to be signed here. This was somewhat surprizing to M. *Haren*, whom I acquainted presently with it, and to myself; but we thought this sudden Change proceeded from some new Orders that the last Courier may have brought them, together with the Ratifications.

I did not fail, upon this Occasion, to mind him of the State in which the Business between him and *Brandenburgh* lay, and how two thirds of the Time for the Cessation was now lapsed; but in this he was not at all more flexible than at other Times, requiring that before all Things, M. *Hough* and M. *Blaspiel* should declare, that the Treaties of *Westphalia* and *Copenhagen* should be restored in all their Points; which is as much as to say, that those Ambassadors are to have nothing in a manner left to pretend to, or to Treat upon.

THE Ratifications between the *Imperial* Ambassadors on the one Side, and the *French* and *Swedish* Ambassadors on the other, were exchanged yesterday, by Secretaries going between them, and to their respective Houses. I was this Day at M. *Blaspiel*'s and M. *Haren*'s, to inform myself of all Particulars; which (it being so late before I have their Answer) I humbly take Leave to reserve for my next. I am, &c.

L. Jenkins.

*Nimeguen, 14th April, 1679.*

MY LORD,

SINCE my last, which was of the 10th, I have the Favour of one of the 4th Current from your Lordship to acknowledge.

THE Circumstances relating to the Exchange of the Ratifications, that I would have added in my last, (but that I was straitned in Time) were these: The *Imperial* Ambassadors, before the Exchange was made, were upon a solemn Complement with the *Danish* and *Brandenburgh* Ambassadors in their Houses; they came, they told them, in Conformity to the Alliance that the Emperor hath with the King of *Denmark* and the Elector of *Brandenburgh*, to acquaint them with the Step they were then going to make, and to assure them, that the Emperor held that Alliance to be still binding and entire, notwithstanding they were so unhappy, as to have been forced to vary from that one Point, in not making the Peace jointly, but to separate from their Allies; that the Emperor would do his best to procure to those Allies that Satisfaction that the Alliance between them bears.

FOR the Manner of exchanging the first Proposal, which proceeded from the Nuncio's Auditor, was, that it should be done by the Ambassadors themselves, and that the *French* should first go to M. *de Gurck*'s House, and leave their Instruments there; for it was done just so at *Munster*, neither the Nuncio, nor the *Venetian* Ambassador, (who were the Mediators there) appearing, much less intervening.

THIS the *French* were content to do; but M. *Stradisman* could not frame himself to this Expedient, he having not all this while seen the

*French*

## 576 *Letters from the Embassy at Nimeguen.*

*French* Ambassadors, (except it were in the Personal Conferences they had in my Apartment at the Stadthouse) by reason of an Embarrass depending between him and them, ever since the first Entre-visits of Ceremony.

THE Exchange being then committed to the Secretaries, the *French* Secretary went first to the Bishop of *Gurck's*, and having first exhibited the Instrument of Ratification from the Most Christian King to the Emperor, he produced another separate Instrument of Ratification to the three Estates of the Empire; this being unexpected to the *Imperial* Secretary, he went up Stairs, to consult the *Imperial* Ambassadors upon it, who gave him Order to receive the last Instrument likewise, if it were press'd upon him, and to tell the *French* Secretary, that the *Imperial* Ambassadors would send that also to the Emperor, to dispose of it as he should think fit.

THIS Point is reckoned as a great one gained to the Prejudice of the *Imperial* Superintendency; for tho' it be true that the *French* gave in two Instruments of Ratification at *Munster*, yet they were both of them exactly of the same Tenor, and not as these were, the one for the Emperor, and the other for the Estates of the Empire.

WHEN the *Imperial* Secretary came to the Marschal's, the *French* Secretary demanded over and above the Emperor's Ratification, the Original Conclusion of the Dyet at *Ratisbon*, whereby the Treaty is approved, and the Emperor hath the Consent of the States to ratifie it. There was a Copy produced; it was pleaded for the *Imperialists*, that have but one Original, they could not give it to the *French*, for that the *Swedes* would have a Pretence to an Original likewise; but Recourse being had to the *Swedes*, they said they would be content with a Copy, and so the *French* had the Original. This is all that I know worth your Lordship's Notice in this Business; only M. *Colbert* went to complement M. *de Gurck* next Day, who, as 'tis said, told him, that this Peace was scarce to be reputed compleat, much less sure, until that of the *North* too be made up.

Thursday Evening the Duke of *Lorain's* Minister came to me, and having enlarged much upon the sad Condition the Duke his Master is left in by so many potent Allies, notwithstanding their Obligations by Treaty; he left with me a Protestation in Form against the several Articles that relate to *Lorain*, in the Treaty now ratified between the Emperor and the Most Christian King; a Copy of the Protestation goes herewith.

ON Friday I went to the *French* Ambassadors, and made it my Suit to them, to provide themselves of a Faculty (if they be not provided already) to prolong the Term of the Cessation, which will be expired this Day sevensnight: They answered me very civilly, that they would write, but had no Hopes to obtain any Thing, in regard that two thirds of the Time were pass'd, without so much as entering into the main Business; which they attributed to the Inflexibleness of the Elector of *Brandenburgh*; but that that should do him no Good, they said; for that 1. M. *Calco* had his Orders already, to pass the *Rhine* as soon as ever May Day, N. S. comes. 2. That the Dyet at *Ratisbon* will suddenly send their Summons to the Elector to lay down his Arms. And, 3. That his own Neighbours are arming very strongly to oppose his Passage this Way.

THESE two last Points M. *Blaspiel* allows to be certain, but Lieutenant General *Spaen* told me on Saturday, that M. *Calco* cannot be so soon ready to pass the *Rhine*.

WHEN

WHEN I propos'd in like Manner the prolonging of the Term of the Cessation to M. *Oxenstiern*, he gave no Answer, but that he would speak with his Allies here, and would write to his Collegue at the *Hague*; only he observ'd to me, that a Prolongation would be very inconvenient for the King his Master, he having appointed the 1<sup>st</sup> of *May* for a General Rendezvous of his Horse in *Schoonen*, which will be a Body of 13,000 Horse, besides 14,000 Foot.

THE *Swedish* Ambassadors have at last accepted of an Accommodation with the Ambassadors of *Denmark*, about their Correspondence; the Manner I have enter'd it goes along, for it was agreed that it should not be a Declaration from the *Dane* to the *Swede*, but to me; and both to have Copies of it from my Entry.

HAVING been with the *French* this Day, with a Proposition from the *Brandenburgh* Ambassador, I find the Elector hath made a great Step towards *France*; it is, he offers to deposite some strong Place in the Country of *Cleves* in the Hands of the *French* for a Gage, that the Elector will Treat in good earnest upon any reasonable Proposition. I know no Place that deserves the Name of strong, but that of *Wesel*. I found the *French* Ambassadors relish'd the Proposition as soon as I brought it to them this Afternoon. M. *de Spaen* had, I perceiv'd, given them a Taste of it on *Friday* last.

I came just now (as I am closing) from speaking with the Ambassador of *Brandenburgh*, about the free Passage of his Highness Prince *Rupert's* Yacht. He promiseth all that is desired within his Master's Territories, and to furnish the Yacht with such Passports when it comes up hither, as shall clear the rest of the Way. But I do not intend to rely upon that; 'tis true here are no Ministers of the other Princes concerned, yet I shall apply by some Means or other to all of them for so reasonable a Thing.

I have this Day acquainted the *Holstein* Ministers with his Majesty's gracious Orders relating to their Master, for which they were exceeding thankful. I am, &c.

*L. Jenkins.*

*Nimeguen, 17<sup>th</sup> April, 1679.*

MY LORD,

MY last I troubled your Lordship with was of the 14<sup>th</sup>, I have now the Favour of one from your Lordship of the 8<sup>th</sup> to acknowledge, and therein the infinite Grace and Goodness of his Majesty, in that he is pleas'd not to disapprove the Course I took upon my returning hither, in declining nothing that was *Real*, and in avoiding every Thing that was *Ceremonial*.

THAT which hath been offer'd to the King, concerning an Article of Amnesty to all the Princes of the Empire, in order to have some such Articles added in some of the Treaties that are yet to be made, I fear is hardly practicable at this Time; the Powers of the *Imperialists*, *French*, and *Swedes*, naturally expiring, after the Treaties between them were brought to a Conclusion and sign'd: If any such Article be offer'd, it must be to them; for they are the only Parties capable to stipulate such an Article.

HIS Electoral Highness *Palatine* observ'd the Want there would be of such an Article, but advis'd me not of it, till about a Week after the Treaties between the Emperor, *France*, and *Sweden*, were sign'd.

## 578 *Letters from the Embassy at Nimeguen.*

His Electoral Highness desired me to propose it; not as from him, but to bring it in some other Way; but finding it too late to do it after the Peace was signed, I had Recourse to him again, and he thought fit not to require any such Thing at my Hand.

UPON this Occasion, I took Leave to lay before his Electoral Highness; that these Treaties of *Nimeguen* being so twisted (as they are) with the Treaties of *Westphalia*, these are to be the Rule by which those of *Nimeguen* are to be interpreted in all future Ages: Now the Amnesty in those Treaties of *Nimeguen*, are the same to a Syllable with that in the *Westphalia* Treaties; and since the Amnesty in these Treaties hath been sacred enough to keep the Peace between one State of the Empire and another, tho' there be no express Clause that makes the Amnesty to reach between the Estates of the Empire, as it does between the Parties Principal in the Treaty; I will hope that the Amnesty in the Treaties of *Nimeguen* will be reputed no less sacred, and will comprise within the Equity of it an Abolition of all the Brushes and Clashings, that may have been between the one Estate of the Empire and another, as well as the Hostilities between the Emperor, and the Crowns of *France* and *Sweden*. I am, &c.

*L. Jenkins.*

*Nimeguen, 21<sup>st</sup> April, 1679.*

MY LORD,

I Have in my last, which was of the 17<sup>th</sup>, acknowledged the Favour of one from your Lordship of the 8<sup>th</sup> Current: I have acquainted *M. de Platen*, the *Osnaburgh* Minister, as I was directed by your Lordship, with his Majesty's Resolution to give the Bishop of *Osnaburgh* his Assistance at the Court of *Vienna*, and to give Orders to *Mr. Skelton*, to employ his best Offices, in his Majesty's Name, as soon as his Majesty should know the Time when the Pretensions of that Prince were to be set on Foot at that Court.

*M. de Platen* expressed a great Joy at what I told him, of his Majesty's having, over and above the great Consideration he hath for the House of *Lunenburg*, a particular Esteem and Friendship for the Prince his Master; and for the precise Time that his Pretensions are to be set on Foot at *Vienna*, he desired it might be humbly represented to his Majesty, that it is at this very Time, and that the Marquis *de Grana* hath undertaken the Management of it: And *M. Platen* desires, that Part of *Mr. Skelton's* Order may be, to joyn with *M. de Grana*, and to take what Light he will be able to give him. He likewise desires, that if it may stand with his Majesty's Pleasure, *Mr. Savile* may be writ to, to the same Effect, in *France*; for the Prince of *Osnaburgh* solicits at this Time, with all the Interest he hath, the Concurrence of the Most Christian King; his special Confidence in that Court is in *M. de Gourville*.

YESTERDAY *M. Blaspiel*, the *Brandenburgh* Ambassador, desired me to remonstrate with my most pressing Offices to the *French* Ambassadors, that *M. Calvo* had, before the Cessation was expired, pass'd the *Rhine*, and possess'd himself of a Castle called *Angeroort*, belonging to the Duke of *Neueburgh*, and situated in *Berguland*, but bordering close upon the Country of *Cleves*, on the farther Side of the *Rhine*; that this was a Violation of the Cessation, and the more, in that the *French* had shot out of that Castle upon the *Brandenburgh* Soldiers, after they had been notified, that there was no Hostility intended on the *Brandenburgh* Side;

and

and therefore M. *Blaspiel* desired, that the *French* Ambassadors would give M. *Calvo* such Orders, that no Hostility might be committed, not only before the Cessation expired, but also that an Order might be had from the Most Christian King, to the Proposition that they, the *French* Ambassadors, had received from Lieutenant General *Spaen*, and had charged themselves with on *Friday* last was sevensnight, to procure the Answer of their King upon it. The *French* Ambassadors did not take upon them to justify M. *Calvo*'s passing the *Rhine*; but answered briskly, that they would give M. *Blaspiel* a Meeting out of Hand at my House, and would, if M. *Blaspiel* was instructed, as they were, (they having received a Courier but two Hours before) they would quickly come to a Settlement of that whole Matter.

THE *French* Ambassadors and M. *Blaspiel* being met, the *French* asked M. *Blaspiel*, whether he had Power to put *Wesel* and *Lipstadt* into the Hands of the *French* till the Peace was made? He having answered yes; they told him, they, on the other Side, had Power to prolong the Cessation for 10 Days longer, in Case *Wesel* alone were put into their Hands, and also to add 5 Days to those 10, in Case *Lipstadt*, as well as *Wesel*, was given to them.

HERE M. *Blaspiel* said, his Orders were not to give up either, or both those Places, for to obtain so short a Prolongation; they were to be a Pawn that the Elector would treat in good Earnest, but that the Elector expected not to be limited to so short a Time and Term as 15 Days; and that he would hardly believe the Elector had given M. *Spaen* Orders to make any such Proposition.

AFTER a long Debate, the Issue was, that M. *Blaspiel* should send in all possible Haste for M. *Spaen*, to come hither from *Wesel*, where now he is; and that the *French* Ambassadors would write to M. *Calvo*, to forbear Hostilities for this Day and to Morrow. M. *Blaspiel* blames M. *Spaen* extreamly, for making such a Proposition, whereby two such important Places are to be relinquish'd in Exchange for 15 Days Cessation only, without knowing any Thing of the Terms of the Peace.

M. *Blaspiel* acquainted me on *Saturday*, by Order, as he said, from the Elector his Master, that the Elector of *Saxony* had offered his Mediation between him and the Crown of *Sweden*; that the Elector of *Brandenburgh* had caused the *Saxe* Minister to be answered, that the King our Master had those Differences committed to his Mediation, and the Elector must acquaint his Majesty with the Offer, which M. *Blaspiel* desired might be done by me, adding it was the Elector's meaning not to depart from his Majesty's Mediation.

M. *Heugh* was with me the same Day upon an Errand not unlike this, by Order of the King of *Denmark*, to desire his Majesty might be acquainted, that M. *Meyercroon* is gone for *France*, to solicit a Continuation of the Cessation, and that the Most Christian King would remit of those hard Terms he insists on in the Behalf of *Sweden*; but that the King his Master sticks close to his Majesty's Mediation.

THIS Day a third Post came from *Copenhaguen*, with Confirmation of the King of *Sweden*'s Death; yet I can see nothing in all that is come, but what is conjectural. I am, &c.

*L. Jenkins.*

Nimeguen, 24th April, 1679.

MY LORD,

**I**N my last of the 21<sup>st</sup>, I gave your Lordship an Account, how Lieutenant General *Spaen* was expected here that *Monday*, to explain himself upon the Elector of *Brandenburgh's* Orders to him, to consign *Wesel* and *Lipstadt* to the Hands of the *French*, till the Elector's Peace be made and ratified.

He not coming, the *French* Ambassadors came early next Morning to my House, to denounce to me, that in Case M. *Spaen* came not, or at least that the depositing of those Places were not agreed between M. *Blaspiel* and them before 2 a Clock that Day; they must write to M. *Calvo*, that the Suspension of Arms was at an End, and that he was to follow the Orders of his King.

ABOUT an Hour after, they and M. *Blaspiel* met at my House, and it was at last agreed, that M. *Colbert* and M. *Blaspiel* should take a Journey to *Zanten*, a Town about 9 Hours off, between *Cleve* and *Wesel*, there to meet M. *Spaen* and *Calvo*, and to adjust the Matter of rendring those Towns, and prolonging the Armistice, if it was to be done.

THE two Ambassadors, and the two Lieutenant Generals, met yesterday about 2 in the Afternoon at *Zanten*, and sate at it till 2 this Morning; it was there agreed, that on *Monday* next 4000 *French* should take Possession of *Wesel*, and that 2000 should march the same Day from *Ordinghen* towards *Lipstadt*, as a *Brandenburgh* Commissary shall guide them, to take Possession of that Fort; the *Brandenburghers* being to void these two Places as the *French* come in: In lieu of this, the *French* have prolonged the Cessation to the 20th of this Month, *N. S.* Exclusive; and given Hopes that it may be further prolonged when these Gages are in Hand.

THIS I have from M. *Blaspiel* himself; the Articles of the Prolongation cannot be transcribed to go by this Post; M. *Colbert* I have not yet seen, but he sent me Word, he will be with me presently, being but newly up: Both Ambassadors were here from *Zanten* by 7 this Morning; there is now but little doubt made of the Elector's Peace. I am with great Respect, &c.

L. Jenkins.

## P O S T S C R I P T.

**J**UST as I am closing, M. *Colbert* call'd upon me; the Account he gives is no more than what is above, and what is contained in the Articles, which were ready sooner than I thought, and sent your Lordship by this Ordinary.

M. *Colbert* ask'd me, what News I had of a Rencounter between our Men of War and theirs; of which I have not one Syllable, nor he neither, but by Report that some Letters brought from the *Hague* to this Town this Forenoon, that six of his Majesty's Ships should be engaged against seven of the *French*. M. *Heugb* reports it, that they were four of ours against twelve *French* Men of War: I beseech God to bless his Majesty's Forces abroad, and Counsels at Home; M. *Petcum* discoursed to me yesterday his own Opinion, and that of some others, that when the *French* are at Leisure, they will fall out with us.

Nime-

*Nimeguen, 24th April, 1679.*

MY LORD,

SINCE my Dispatch of this Day went to the Post, M. *de Haren*, the *Dutch* Ambassador, calls upon me, to enquire after what the two Ambassadors, and the two Lieutenant Generals had yesterday agreed at *Zanten*. When we were over that Point, he told me, he had been at the Mareschal *d'Estrades* a little before, and that the Mareschal, among other Things, ask'd him what News his Letters brought him of the Rencounter between our Men of War, and those of the *French*, that met in the Channel; that he, M. *de Haren*, had given the Mareschal an Account of what his Letters purported; and hoped, that such an Accident would have no ill Consequences upon the present Peace between the two Nations: The Mareschal replied, there was no entering into Competition with his King; that he would set out 100 Sail of Men of War in these Seas, besides as many Gallies in the *Mediterranean*, as would destroy the *English* Trade.

M. *de Haren's* Reflexion upon this was, that he very much doubted *France* intended us Mischief; and that which confirms him in that Opinion is, M. *d'Estrades* going to his Government of *Dunkirk*, as soon as he had spoke with the King his Master; and that the greatest Part of his Goods are to be shipp'd straight for *Dunkirk*, and not carried into *France*; this M. *de Haren* said, he was sure of, for the Mareschal had desired him to procure Passports for the Ships that the Mareschal's Goods are to be shipt in. This I thought it my Duty to give your Lordship an Account of, that you may please to make those Reflexions upon it, as the present Conjunction may require. I am, &c.

*L. Jenkins.*

*Nimeguen, 28th April, 1679.*

MY LORD,

HAVING given your Lordship an Account in my last of the 24th Current, of the Meeting of the two Ambassadors, and the two Lieutenant Generals of the *French* and *Brandenburgh* Side at *Zanten*; and having sent your Lordship the Articles that were there agreed between them, on the Part of the Most Christian King, for the prolonging of the Cessation till the 20th of *May*, N. S. and on the Elector's, for emptying *Wesel* (which is to be done this Day, and *Lipstadt* too, as soon as the *French* can reach thither) of the Elector's Troops, and for putting both those Places into the Hands of the *French*, till the Elector's Peace be made and ratified; I have only some few Circumstances to add, which are since come in my Way from the Parties themselves.

I find M. *Colbert* makes a Difficulty of communicating to M. *Oxenstiern* any Copy of the Articles agreed at *Zanten*; having given him an Account, by Word of Mouth, of the Substance of them; and excusing himself as to giving Copies, till he know the Pleasure of the King his Master upon them; and so this Affair stood yesterday Morning.

M. *Oxenstiern*, on the other Side, refuses to give an Account in Form to the *Danish* Ambassador, that the Prolongation agreed between M. *Colbert* and M. *Blaspiel* at *Zanten*, shall extend to suspend Hostilities between *Sweden* and *Denmark*, during the 15 Days: This M. *Colbert* com-



complained of to me, saying, that such an Act could not possibly be of any Prejudice to *Sweden*, in Regard the 15 Days would be expired, before Notice of the Act could possibly reach the *Swedish* Camp; but yet, that it would have been a Piece of Uniformity between them two Allies, very decent at this Time.

FOR the *French* Ambassadors and the *Danish* Ambassador came to me on *Thursday* Evening, and desired me to draw up several Acts between them; the one, whereby the *French* declared that *Denmark* was comprehended in the Prolongation as well as *Brandenburgh*; the other, whereby the *Dane* declared to consent to, and accept the Comprehension. These Acts were signed and exchanged without the least Difficulty, only the *French* desired they might give in their Act in the Language of the King their Master, that is, in *French*, and not in *Latin*, as the *Dane* desired his: The Acts I take leave to enclose herewith.

M. *Blaspiel* lays the over-forwardness of this Step, whereby *Wesel* and *Lipstadt* are given up to the *French* (upon Conditions that give the Elector no Manner of Ease) to the Charge of Lieutenant General *Spaen*; for when they two met at *Zanten*, M. *Spaen* could not but confess, that there was nothing in his Orders to demand or accept of so short a Cessation as that of three Weeks; the Elector's View being, to have a Cessation as long as his Peace should be a Treating; since he could not be imagined to intend to trifle with *France*, or to delay the Conclusion of it, having given such Pawns beforehand of his Resolution to come to a speedy Issue. But M. *Blaspiel* putting it further to M. *Spaen*, whether he were able to defend those Places till they could have the Elector's Orders upon this Point; his Answer was, that he would act the Part of a Soldier, if he were put to it, and thought he might defend *Wesel* for a Fortnight or three Weeks; but that he having no Hopes of Relief, nor Money to give his Soldiers, it was, he said, his Judgment, that it was best for the Service of the Prince and the Country, to part with those Places even upon the Terms the *French* offered, rather than to run Extremities; and this Opinion of M. *Spaen* brought M. *Blaspiel* to consent to the *French* Terms, which otherwise he would never have done.

THERE is nothing that the Journey to *Zanten* has done towards the Peace. M. *Meinders* is expected here this Week; M. *Colbert* told me, he will go hence to *Paris*; M. *Blaspiel* says, that Journey is not certain, but his coming hither is.

M. *Colbert* was with me on *Saturday*, to desire me to interpose my Offices between him and the *Imperial* Ambassadors, for the executing the Treaty made between them, particularly the 27<sup>th</sup> Article, which directs the voiding of such Places as are to be rendred to their first Owners; and the withdrawing of the Troops on each Side to their respective Territories: But this Morning he tells me, that having been yesterday with the Bishop of *Gurck*, he finds the *Imperialists* are willing to defer entering into that Business for two or three Days, in Hopes to see clearer, when M. *Meinders* is arrived here, into the likelihood there may be of the speedy concluding of the Peace of *Brandenburgh*; for if that Peace be made here (as M. *Colbert* doubts not but it will) there will be no Difficulty to execute the 27<sup>th</sup> Article of the Peace between the Emperor and the *French*; but till that Peace be certain, it will be a hard Matter to bring either the *Imperialists* or the *French* to an effectual Execution of the Treaty, by withdrawing their Troops, and giving up the Places they now possess of each other.

MY Answer to M. *Colbert*, as to the Part he desired me to enter into, or to have in that Business, was, as near as possible, in the Words of his Majesty's Directions, in your Lordship's Letters of the 8<sup>th</sup> of this Month; telling him, that I had not seen the *Imperial* Ambassadors since my Return hither, and that I did not intend to see them, nor to be seen by them, upon any Matter of Form whatsoever, unless I had his Majesty's express Orders for it: But if he should request me to intervene in the Way of my Function, in such Matters as had Difficulties in them, and related to the well-executing or preserving of the Peace made by his Majesty's Mediation, I would not decline doing any Offices. M. *Haren* tells me this Day, that M. *Colbert* told him on *Saturday*, that M. *Spaen* had, in the Proposition he made to him and the Marechal, named *Skinken-Skans*, and that he assured them the Elector would render it into the Hands of the *French*, together with *Wesel* or *Lipstadt*, (any two of the three Places) but that the Most Christian King saw the Proposition, and in his Answer ordered his Ambassadors not to accept of *Skinken-Skans*, because of the Pretensions the States had upon it, and because the Neighbourhood of the *French* being so near, would give great Jealousies to this State.

THIS Offer being made by the Elector's Order, the States will not take it well; but the Elector's last Letters to them, (which M. *Haren* promised me a Copy of) will shew he hath a deep Resentment of their having left him as they have done.

M. *d' Estrades* and his Family went hence for *Paris* on *Saturday* last: The Report of the Engagement at Sea (whereof I told your Lordship in my last) begins now to be doubted in this Place.

M. *Haren* does not send me the Copy of the Elector's Letter to the States, so that I must beg your Lordship's Pardon till the next; so I must also for that I cannot by this Post give any Account of what is possible to be done in the Duke of *Modena's* Business, whereof I doubt very much. I am, &c.

*L. Jenkins.*

*Nimeguen, 1<sup>st</sup> May, 1679.*

MY LORD,

IN my last, which was of the 28<sup>th</sup> past, I acquainted your Lordship, how M. *Colbert* had been with me, about the Commission he hath to adjust with the *Imperial* Ambassadors, the Time and the Manner of executing the Treaty lately made between the Empire and *France*. He put himself to the Trouble yesterday of coming to me again upon the same Business, but with Instances more pressing, for my Offices towards the *Imperial* Ambassadors out of Hand.

HE received, he said, great Complaints by way of Memorial, from the *Newburgh*, *Liege*, and *Cologne* Ministers, of the Oppressions that the Countries of those respective Princes now lie under from the *French* Troops; that he was ready to enter into Measures with the *Imperial* Ambassadors, for giving present Ease to these Countries, by the withdrawing of all Troops on each Side within their respective Territories, as also by the evacuating of all Places that are by the Treaty to be rendred to their first Owners; that for the effecting of this Thing, and the removing of Difficulties, he offered either to meet the *Imperialists* at my House, or in the Apartment that Sir *W. Temple* and I had in the Stadthouse, during the late Conferences; or else, if the Way of Meet-

ings and Conferences were not liked of, he offered to commit it to my Management; the Propositions he was ready to make, touching the Time when, and the Places from whence the Troops of each Side were to move, those of the Emperor towards the Hereditary Countries, those of the King his Master's towards the *French* Territories, and to leave it to me to take the Answers of the *Imperialists* upon his Propositions. To bring the *Imperialists* and him to an Understanding in these and many other Points that might arise, he had, he said, Recourse to his Majesty's Mediation, and did therefore make it his formal Request to me, to go to the *Imperial* Ambassadors, and pass my Offices with them, as soon as I could, upon this Overture of his, that it might not be laid at the Door of the King his Master, if the Countries be not eased, and the Treaty fully executed out of Hand.

I thought this Case to be such, that I was not to make any Difficulty in doing my Offices in it, being, as I take it, directly within his Majesty's Orders and Directions I had the Honour to receive from your Lordship of the 8<sup>th</sup> of *April*. I went therefore strait to the *Imperial* Ambassadors, and making no Manner of Preface, I told them that M. *Colbert* had been just then at my House, and had desired me to pass my Offices with them upon the Overtures beforementioned: When I had told them the Business, I added, that it was of such a Nature, and tending so directly to the Execution of that Treaty that had been made by his Majesty's Mediation, that his Majesty expressly directed me to intervene in, if I were thereto requested, notwithstanding he had restrained me in some other Things, &c. After they had deliberated together, the Bishop of *Gurck* begun with an Acknowledgment of his Majesty's great Generosity, first in taking the Mediation upon him, then his unwearied Pains in it till he had brought about the Peace of the Empire; that they humbly besought his Majesty to continue his Favour and Zeal, till that Peace hath its full Execution, &c. by an adjusting of the Points yet depending between them and the *French* Ambassadors. Then speaking to the Business itself, they resolved no more in this Conference, than to give M. *Colbert* a Meeting at my Room in the Stadthouse, and so to adjourn from Time to Time as Occasion shall require.

I perceive this will be a Business not easily gone through, for the *Imperialists* have other Complaints of the Inexecution of their Treaty, which they pretend to be righted in, before they go to the Points of voiding the Places, and withdrawing the Troops of one Side or of the other; of this they gave me a dark Intimation, but reserved themselves till they should come to my House to speak with me more fully, and to pray my Offices upon several Difficulties that did arise in the very entering on this Business.

AT 11 M. *Colbert* came to me, to desire me to dispose the *Imperialists* to declare themselves, that the first Thing they will do at the Meeting, will be to agree the voiding of the Places by a certain Day, and for the Troops to begin their March towards the several Territories; among the Places that he insists to be voided, he named *Strasburgh*, whither the Emperor has sent a very strong Garrison; this, he says, the King his Master must look upon as an Infraction of the Peace, unless the Emperor draws out his Troops again; yet he allows, that if the City be disposed to augment their Garrison, or the States of the Empire to reinforce it, it may be done; but the Emperor cannot send in his own Troops, and by his own Authority.

IN this Conversation he told me, that M. *Oxenstiern* had sent him yesterday a very surprizing Message by the *Holstein* Minister; it was to  
let

let him know, that he had received Letters from the King of *Sweden* his Master, importing, that that King having some Proposition shewed him by the *French* Ambassador M. *Feuquieres*, upon which the Most Christian King thought a Peace might be made between the Crowns of *Sweden* and *Denmark*, and the Elector of *Brandenburgh*; that the King of *Sweden* could not accept of such a Proposition, nor consent to part with a Foot of Ground that was given him by the Treaties of *Westphalia*, but hoped that the most Christian King would make good the Terms of the Alliance between them, and see *Sweden* entirely restored.

To this M. *Colbert*, as he told me, answered with some Resentment, saying, that the King his Master had always been firm and faithful to the utmost, to his Ally the King of *Sweden*, and made it the greatest Part of his Glory to stick to him, and see him restored to what he hath lost; but when Terms that are reasonable and honourable are offered to *Sweden*, the Most Christian King will not refuse them, and make his own Peace at leastwise, with Prospect that the King of *Sweden* will not refuse to enter into it when it is made.

This makes me think, that the Treaty between *France* and the Elector of *Brandenburgh*, will be carried, as that of the Bishop of *Munster's* was, the *Swedish* Ambassadors not so much concurring in it, but drawn into it *ex post facto*: Yet it will be a Question whether they will be drawn in, if *France* undertake that the Elector shall retain any thing that is considerable; for M. *Colbert* tells me this Day, that the King of *Sweden* hath refused to ratifie the Treaty at *Zell*.

M. *Meinders* arrived here yesterday Morning, but found his Colleague M. *Blaspeil* gone out of Town as far as *Cleves*, but to return last Night.

M. *Colbert* tells me, he was yesterday Evening at his House, but with other Company, so that they spoke of no Business at all. He said, 'tis believed in the Town, that M. *Meinders* doth not go hence to *Paris*; however, that he may, if he please, M. *Colbert* some Days ago having put into M. *Blaspiel's* Hands a Passport in Blank to that End; but it is probable, that M. *Colbert* having a Commission to himself singly, to Treat with the Elector's Ministers here, will have the last Word of his King, and the utmost he will do; so that M. *Meinders* Journey (if he makes it) will be to no great Advantage, beyond what will be offered to him here; which will be, as far as I can guess, a Sum of Money from *France*, and the further *Pomerania* entire, as it lies on the other Side of the *Oder*.

As to the Duke of *Modena's* Business, of his being compromised in the Treaty between *France* and *Spain*, he hath a Month's Time yet to be taken in; for thus it is said in the 29 Article; — *En cet paix seront compris ceux qui n'estant pas voulu engager, ou declarer dans la presente guerre, seront nommez dans six mois apres l'Echange des Ratifications*; thus both Kings have obliged themselves to do; but on the King of *Spain's* Behalf, there are these Words added, — *& tous autres qui apres la fin de la dite guerre seront aussi nommez par sa Majesté Catholique*. — The 6 Months will be out on the 15<sup>th</sup> of *June*, N. S. Before I pass any Office, I most humbly beg your Lordship's Directions in two Difficulties; the one is, that neither my Colleagues nor myself had any Part in Mediating this Treaty, it being carried on by the intervention of the *Dutch* Ambassadors. The other, that there is but one *Spanish* Ambassador (M. *de la Fuente*) upon the Place, and him I have always excused myself from seeing, upon his not giving the same Satisfaction as his Colleagues had done, when he made his first Visits to the *Imperialists*, before he made it to me, and the rest of the Ambassadors. \* I cannot think it fit for me to enter upon the doing of any Office for the Duke of *Modena*, unless I have his Majesty's Orders first to med-

## 586 *Letters from the Embassy at Nimeguen.*

dle in this Treaty, then to see M. *de la Fuente* ; or else that his Majesty should think fit that the *Dutch* Ambassadors be spoke to, to pass this Office for the Duke of *Modena*, as I am sure they have done for others in the same kind.

M. *Colbert* complained to me, that M. *Spaen* has not dealt fairly with them in his emptying of *Wesel*, for he took with him sixty Pieces of Cannon, where he had pretended to take but twenty ; as also all Ammunition, Provision, and Furniture, even to the Locks from off the Doors. I am, &c.

L. Jenkins.

*Nimeguen, 5th May, 1679.*

MY LORD,

IN my last that I troubled your Lordship with (of *May Day*) I gave you an Account of a Negotiation, that was going to be set on Foot between the *Imperial* and *French* Ambassadors, for the executing of the Treaty lately made between them. The *Imperialists* were on *May Day* in the Evening at my House, to represent the Difficulties that the *French* had made, and to desire my Offices in removing them, before the Evacuation of the Places, and the retreating of the *Imperial* Troops, pretended by M. *Colbert*, should be entered upon by way of Debate.

THE Difficulties, or rather Grievances, that the *Imperialists* desired to be redressed in, were three : 1. The Hostilities acted upon those that had entered into the Peace, after the Time that all Hostilities were by the Treaty to cease, as the seizing of the Duke of *Newburgh's* Castle of *Angeroort* in *Bergueland*, and the possessing of it by M. *Calvo*, when about a Fortnight ago he passed the *Rhine* ; and that there was a new High-way by Force cut out between *Brisack* and *Friburgh*, to the destroying of the Property of several Men ; whereas the Treaty does expressly provide, that the Passage of the *French* between those Places is to be by the ordinary common High-way.

2. THAT whereas Contributions were to cease, immediately after the Exchange of the Ratifications, the *French* continued them every where as heavy as before, under the Name of Subsistence for their Troops.

3. THAT by that Treaty, the Garrisons and Troops that the *French* have, in and about those 8 Places and Posts in *Liege*, *Fuliers*, and *Cologne*, (which they are to hold till the Peace of the *North* be made) were to be no longer subsisted at the Charge of the Country than till the Ratifications were exchanged, and that thenceforward all Exactions whatsoever should cease ; yet the Exchange being made, those Places, and the Country round about, are not eased in the least, nor any Part of the Burthen taken upon *France*, as the Treaty provides.

THESE being the Points that were to be executed as soon as the Ratifications were exchanged, and the voiding of the Places that are to be restored, as also the marching of the Troops out of the Empire, (if any such Obligation there be stipulated, which the *Imperialists* do stiffly deny as to their Part) being Things, for the doing of which the Treaty itself allows a Month's Time to finish them in, after the Exchange of the Ratifications ; the *Imperialists* pretend to have Right done to the Parties interested, and Ease given to the Empire in the three Points abovementioned, before they do mention any other Matter whatsoever.

To this M. *Colbert* answers, that the seizing of *Angeroort* was no Hostility, M. *Calvo* using it only for the securing of his Passage, and having since

since left it; that he knows nothing of the cutting of a new Way between *Brisack* and *Friburgh*; that the *French* Troops must have their Subsistence, and their Garrisons have their Maintenance from the Empire, as long as the Treaty lies unexecuted; that is, as long as the Places are not voided, and the *Imperial* Troops do lie in the Empire; that the only Way to rid the Empire of these Burthens, is to execute the Treaty; and that the Treaty cannot be otherwise put in Execution, but by the withdrawing of the *Imperial* Troops out of the Empire, by a Day to be set, as well for them, as for the *French*, (those in the 8 Posts above-mentioned always excepted) that this being put in a Way to be executed fairly, one Thing after another, the Subsistence of the Troops, and the maintaining of the Garrisons, would cease by the same Degrees that the *Imperial* Troops should draw towards the Hereditary Countries.

BOTH Parties are thus difficult, and thus irreconcilable, as to the Points that they are to begin withal; because they would, before they make any Step, see what becomes of the *Brandenburgh* Negotiation. If the *Imperialists* do see that the Peace is certain, they will not (if I understand them rightly) longer insist upon the Point of Honour, but call off their Troops for the Service of *Hungary*, or some other Occasion: But if there should be Rubs in that Peace, (as they seem to think there may yet be) they will not endure to see themselves march out of the Empire, at the same Time that they see the Heart of it over-run with Strangers.

As to the *Brandenburgh* Peace, M. *Meinders* hath no Instructions (as he hath told me) that can bring Things to a close, therefore he is resolved to make another Journey to *Paris*, tho' the Elector his Master will never, as he says, make a Peace upon those Terms that the *French* offer, he will rather suffer Things to come to the utmost Extremities; yet he does not say, that I can learn, to any, what his Master must have, whether he must have *Stetin*, or whether he can be content to let go *Stetin*, and to have all on the further Side of the *Oder*.

ON the other Side, M. *Colbert* says plainly, that there are no Hopes of a further Prolongation of the Cessation when this is out, which will be on *Friday* next: M. *de Louvois* having by Express on *Friday*, caution'd him not to engage in any longer Cessation; and M. *Caleo* has his Orders to act as soon as this is expired. And as to the *quelque petite consolation*, so M. *Colbert* phrases it, that the Most Christian King will interpose that the Elector may have from *Sweden*, it will not be that which even M. *Colbert* himself adventured to propose, I mean, two or three little *Swedish* Places, together with all entire on the further Side of the *Oder*; M. *Pomponne* advising him by yesterday's Letters, that the King his Master cannot apply to *Sweden* to part with the least Thing that is by Name yielded to it by the Treaties of *Westphalia*; only what *Sweden* hath since those Treaties extorted, under the Notion of Limits, from the Elector, he shall have again, and a Sum of Money from *France*, as they can agree.

So that the Elector's Ambassador, and M. *Meinders*, (who hath no Character here) do complain, and every body does wonder, that the Recompence made the Elector, for the great Confidence he hath shewn in giving up *Wisel* and *Lipstadt*, is so meagre, that he hath but the same Terms offered him, that had been offered before; and but 15 Days Time to accept or refuse them, which yet were half run out before he could have Notice of it, and must be quite run out before M. *Meinders* can possibly reach *Paris*; 'tis true, M. *Colbert* writ on *Friday* by an Express for a longer Prolongation, in Regard M. *Meinders* was thus far in

## 588 *Letters from the Embassy at Nimeguen.*

the Way for *France* ; but declared he had not the least Hopes to obtain any Thing of that Kind.

THE *Marschal de Crequi*, *M. les Comtes de Roy, de Joyeuse*, and *de Villeroy*, are now at *Dinant*, where the *Marschal* hath appointed the Rendezvous : They will be on *Thursday* at *Wesel*, and will march with 25000 Men towards the *Wefer*, leaving 20000 here to guard the *Rhine* Side. I must confess, I cannot but be in great Pain, since the drawing down this Way of such vast Troops, at a Time when the Most Christian King is most certain of a Peace, and as he shall please to prescribe it, without striking one Stroke ; and yet he presses on the Peace with that Earnestness, as if he had it in View to close it out of Hand, and to employ his Forces this Summer some otherwhere : I do not see, that the Necessity of his Troops do press him to so sudden a Close ; for 'tis taken for granted, they are to lie all (as they now do) upon the Empire, till the Peace of *Brandenburgh* be made and ratified ; so that they might make Account to lie at their Ease the greatest Part of this Summer, if they be not employed another Way, which I beseech God may not be to do *England* a Mischief in some of its Skirts.

SINCE the Writing of this, *M. Blaspiel* comes to me, in the Name of *M. Meinders* and his own, to desire that I would humbly represent to his Majesty, that it would be the greatest Favour that could be in the World to the Elector, 1<sup>st</sup>, To procure for him a Prolongation of the Cessation now expiring, and that *M. Savile* may be writ to, to that Effect. 2. That his Majesty would be pleased to propose a Plan ; these Ministers being well assured, the Elector would acquiesce in that which his Majesty should think equitable. 3. That his Majesty would please to use his Authority with *Sweden*, to dispose it to accept of reasonable Terms.

I have been much conjured, by *M. Meinders* especially, to lay these Points, in all Humility, before his Majesty, as the Sense and Desire of the Elector. If his Majesty do please to vouchsafe any Answer, I will hope to receive it from your Lordship with the soonest. I am, &c.

*L. Jenkins.*

*Nimeguen, 8th May, 1679.*

MY LORD,

HAVING understood that his Highness the Prince of *Orange* was to be last Night at *Grave*, which is but three Hours off of this Place, I waited on him, and found his Highness viewing the Fortifications, as he does all the Frontier Places of this State. He has been already at *Breda* and *Macstricht*, whence he came yesterday : He dines at *Boldue* this Day, and lies at *Husden* this Night, in his Return to the *Hague* ; and this Tour being of his own Motion and Care (as *M. Beverning* told me last Night) is very seasonable, the *French* being now upon the Wing, and gives a general Satisfaction to the People of this Country.

It is easy to perceive this State in general, and his Highness in particular, are solicitous upon this drawing together of the *French* in so great Body, 46000 effective Men being a Proportion that none can think needful to over-run the Countries of the Elector of *Brandenburgh*, or to go and find him out in his other Countries ; in the mean Time, this State finds itself in a Manner surrounded with the Forces of *France*.

HIS



HIS Highness was inquisitive, how the Elector's Treaty went on at *Nimeguen*. I could tell him no more, than that M. *Meinders* had set out last Night on another Journey for *France*, having not been able to obtain the least Thing from M. *Colbert*, as to the bettering of the Conditions of his Peace, or the prolonging of the Cessation. This was confirmed to him immediately after by M. *Blaspiel* himself, who came likewise to wait on his Highness; the Prince doing me the Honour to tell me afterwards, that he could not find by M. *Blaspiel*, that M. *Meinders* went upon any Grounds of Hopes into *France*, but meerly to comply with the Elector's Orders; nor that the Elector is yet come to any Resolution what to do.

HAVING paid my Respect to his Highness, I returned straight, and had M. *Blaspiel*'s Company in my Return; he told me, M. *Colbert* had been lately with M. *Oxenstiern*, to tell him, that he, the *Swedish* Ambassador, had no more to do, but to hold firm; that the Most Christian King was resolved to see *Sweden* entirely restored to every Thing that the Elector had got from it in this War: This adds to the Fears M. *Blaspiel* hath, that no Favour is to be expected from *France*.

THE Dispute between the *Imperialists* and the *French*, upon the Point where they should begin to execute the Treaty made between them, is just as it was in my last; only the *Imperialists* having set Prince *William* of *Furstemburgh* at Liberty, have whereon to value themselves for having made one Step at least before the *French* had made any. M. *Colbert* had already entered his Complaints with me, upon Notice that the Prince had not been set at Liberty in some Days after the Ratifications were exchanged; but now he will be satisfied, for Mr. *Skelton* writes me Word, that the Prince is at full Liberty.

I must not forget to acquaint your Lordship, that M. *Blaspiel*, as we came Home together, told me, that the Most Christian King was advised, that two Privateers, with Commissions from the Elector of *Brandenburgh*, were gone towards the *American* Islands; that M. *d'Estree*, who was to go suddenly with 14 Men of War that Way, had Orders to sink and destroy those Privateers, if he should meet with them; but that M. *Colbert* had offered, that if the Elector would consent that those Privateers should do no Damage to the Subjects of *France*, as long as this War lasted, M. *d'Estree* should not meddle with them: This M. *Blaspiel* hath consented to, he says, and hopes the Elector will not disavow him.

I have just now, as I am closing, the Honour of a Letter from your Lordship of the 2<sup>d</sup>, and therein his Majesty's Pleasure about the Pretensions of the Dukes of *Mecklenburgh*; I have, in Obedience to former Orders, done all in my Power for those Dukes; 'tis true, the Dukes have had several Judgments given for them in the Empire; but the *Swedes* do alledge, all was *coram non judice*; since none but those that were Parties to the Treaty of *Westphalia* have Right to interpret them, when the meaning of them is controverted. I am, &c.

*L. Jenkins.*

*Nimeguen, 12th May, 1679.*

MY LORD,

THE last that I troubled your Lordship withal, was of the 8<sup>th</sup>; since which, M. *Colbert* desired my Offices towards the *Imperial* Ambassadors, in declaring to them, that the Minister of *Zell* having desired



fired his Concurrence to the incorporating of the Treaty made lately at *Zell* into the Treaty of the Empire, by a separate Act to pass between him and the *Imperialists* to that Effect, he was ready to do his Part on the King his Master's Behalf: To this the *Imperialists* made no other Answer, but that they being not able to pass such an Act without express Orders from the Emperor, and his *Imperial Majesty* being not like to give any such Orders till he knew the Mind of the Dyet at *Ratisbone* upon the Point, all they could do was, to write, and to wait the Emperor's Pleasure. This Answer *M. Colbert* looking upon as dilatory, said, he had no more to do, but to give an Account of it to the King his Master.

THE *Imperialists* were with me on *Friday*, to desire my Offices towards *M. Colbert*, in representing to him a direct Infraction of the new Treaty, in a Case of his Electoral Highness *Palatine*. For his Electoral Highness having had the Contribution of the *Pais Messin deçà la Moselle* assigned to him by the Emperor to the City of *Metz*, and the Inhabitants of the adjacent Country had made an Agreement with the Elector to pay him quarterly the Sum of 4050 *German Florins*, as long as the War should last, and this Accord was ratified in *September 1676*, by the Magistrates of *Metz*. By the new Treaty, the Contributions on each Side are made payable till the Ratifications should be exchanged; but his Electoral Highness demanding what was due by the Accord, to the Time of the Exchange; the *French Intendant* of *Metz* forbids the People of the *Pais Messin*, to pay any more Contribution, under severe Penalties.

HERE Payment is refused where 'tis due by the *French*; but this is not all, for the *French* in *Alsatia* do now (at this Time, that all Contributions ought by the Treaty to cease) demand Contributions of the Elector's *Bayliswyk* of *Germersheim*, where his Subjects never paid any before; I press'd these Points as Home as I could to *M. Colbert*, from the Singularity, as well as the Unreasonableness, of the Instance; but all I obtained was, that he would write to Court, being not impowered, he said, to meddle in the least with Matters of Contribution, which is solely committed to *M. de Louvois*.

WHEN the *Imperialists* had done with this Request to me, about the Prince Elector *Palatine*, they desired me to insinuate to *M. Colbert*, that the Duke of *Lorain* had now put off those Troops that were under his Name, and that they were actually in the Emperor's Service; the Duke having done so, to take off all Umbrage from the *French*, by reason of his having any Troops at this Time under his Command; his Resolution being not to continue in any Hostilities against the Most Christian King, but to wait the Time to be restored to his Estates, not by his own Arms, but by the Justice and Generosity of that King.

*M. Colbert* was very far from being satisfied with this; he said, it was a direct Infraction of the Treaty on the Emperor's Part; he ought not to take into his Service the Troops of a Prince that stood out as an Enemy to *France*; that the King his Master's Troops will be sure to charge those Troops, wherever they meet them; and that it is high Time for the Most Christian King to look about him; and since the Emperor takes in his Enemies, he may justly give him a Diversion in *Hungary*.

*M. Colbert* had been told (it seems) that those Troops were already marched into *Hungary*; but I being not instructed to assure him any such Thing, he concluded they are still in the Empire; and that by those and other Means, the Elector of *Brandenburgh* was born up in Hopes, that the Emperor intended not to observe his Peace long, which was the

Cause

Cause, that the Elector deferr'd to conclude his ; however, he would acquaint the King his Master with this Insinuation as it was, and submit it to him.

YESTERDAY M. *Colbert* was with me, to desire my Offices afresh, by inviting the *Imperialists* once more, to give him a Meeting this Day at the Stadthouse, to enter upon their Commissions, for executing the Treaty made between them. This the *Imperialists* accepted of, and both Parties desired me they might meet in our Apartment at the Stadthouse, and where the Conferences were held when the Treaties of the Empire were made. We meet at 10, and if any Thing be agreed before the Post goes, I shall take Leave to trouble your Lordship with it.

M. *Colbert* told M. *Beverning* last Night, that there were four *Deputez*, two from the House of Lords, and two from the House of Commons, lately come over to this Country ; that they had been at the *Hague*, and had taken a Turn to *Amsterdam*, and were now gone back in the same Yachts that brought them over ; that their Business was, to desire his Highness the Prince of *Orange*, or the States, to interpose and mediate a good Understanding between the King and his Parliament. He ask'd me what I knew and thought of it ; I told him I had no Manner of Notice of it, either out of *England*, *Amsterdam*, or the *Hague* ; that I believed the Thing to be a meer malicious Fiction ; that there was, blessed be God, a good Understanding between his Majesty and his Parliament ; and that there were daily those clear Evidences given of it, that I could not imagine it ever entered into the Thoughts of any in either House of Parliament, to send any such Deputation to a Foreign State ; nor that any Members of either House of Parliament should assume such a Commission to themselves ; our Laws restraining most Sorts of Persons, even from passing beyond Sea, without Leave had from his Majesty or his Council ; and when a Parliament is sitting, the Members must have Leave of the respective Houses, tho' it be but to go to their own Homes, and that for a few Days only, even in Cases of ill Health, or of other necessary Occasions. With this M. *Beverning* seemed to be satisfied ; but this Report hath been these two or three Days, I know not how, spread all the Town over.

ALL that I can tell your Lordship of this first Conference is, that after some Hours Debate, the Ambassadors parted without agreeing one Tittle ; the *Imperialists* press'd, that what was levied by way of Subsistance for the Soldiers should cease ; and the *French* Ambassador, that the *Imperial* Troops should be drawn out of *Bonn*, *Strasburgh*, and other Places ; and that at the same Time the *French* should march out of *Liege* and *Juliers*. The first Point was refused, because this last was not executed ; and this last is not like to be executed, that I can see, till the Peace of the Elector of *Brandenburgh* be made.

M. *Colbert* did often repeat in this Conference, that he verily believed the Peace of the Elector was already made, or would be made as soon as M. *Meinders* could reach *Paris* ; but that the Elector must be content with the Conditions that he, M. *Colbert*, had offered his Ministers here (the King his Master having writ that he would consent to none other) ; only he may have added to the Sum of Money that *France* intended him, by way of Recompence for his Confidence in putting two of his strong Places into the Hands of the *French*. He added, that the Elector will be a Gainer in making the Peace upon those Terms ; for that the *French* will have more to restore him (he meant of his own) when they are Masters of *Cloves* and *Marke*, and of all as far as *Minden*, than he is now possessed of, and would detain from the Crown of *Sweden*.

## 592 *Letters from the Embassy at Nimeguen.*

THE Ambassadors did not desire to have a Time appointed to meet again ; but when that Elector's Peace is made, the Emperor will draw his Forces out of the Empire, as his Ambassadors told me ; but will not do it at the Instance of the *French*, much less will he do it now, because it would be very unfuitable to the Emperor's Dignity, and his Trust, to march his Troops out of the Empire, and leave it to the Mercy of an Army of 40 or 50,000 *French*, that are now marching into the middle of it. I am, &c.

*L. Jenkins.*

*Nimeguen, 15th May, 1679.*

MY LORD,

SINCE my last, which was of the 12th Current, here hath been nothing further done between the *Imperial* Ambassadors and M. *Colbert*, towards the executing of the Peace of the Empire ; only the Ordinary of this Morning brings the Certainty that the Peace hath been proclaimed at *Vicenna*, which was delayed very much, to every one's Wonder here.

I take Leave to inclose here the Copy of a Letter that the Elector of *Saxony* writ to the Most Christian King, wherein that Elector (having, as he says, taken his Measures with the Elector of *Bavaria*) desires, that the Cessation of Arms between the Parties now in War might be further prolonged, since the Term that is agreed to, is too short to make up the Peace of the *North*, which these two Electors have taken upon them to labour in, &c.

THIS Letter was communicated to me yesterday by M. *Blaspiel*, with this further Account, that the Elector of *Saxony* having understood from his Minister that he hath now at *Berlin*, the State of Affairs in that Court, had thought fit to write this Letter, and to send it to the Elector of *Brandenburgh*, to forward it towards the Most Christian King, by such Conveyance as he should think proper ; the Elector's Council resolved to send it hither to M. *Blaspiel*, with Directions to desire M. *Colbert* to charge himself with the Conveyance of it, or else to send it strait after M. *Meinders* : M. *Colbert* having the Letter offered, and the Copy shewed him, excused himself, saying, he was expressly forbidden to receive any Proposition at all for prolonging the Cessation, and was forbid likewise to hearken to any Terms or Conditions relating to the Peace itself, but those precise ones that he hath already offered to the *Brandenburgh* Ministers here ; so the Letter is sent after M. *Meinders*.

THIS about the Elector of *Saxony*'s Letter, he, M. *Blaspiel*, did, as he said, communicate to me, that nothing which others do, by way of thrusting themselves into the Mediation, might be concealed from his Majesty ; the Elector his Master desiring, for his Part, no other Offices than those of his Majesty, for the making of his Peace.

UPON this Occasion, he enlarged very much upon the Hopes he and all Men had out of *England* ; that Things being there once settled, the rest of the World would not be so insulted, as 'tis otherwise like to be ; this brought him to speak of, and communicate to me, the Inscription that goes inclosed, intended, it seems, for a Triumphal Arch at *Paris*.

FROM this Subject, he pass'd to that of the King of *Spain*'s Marriage, and the alienating of the *Spanish Netherlands* from that Crown, which I find both by him and by the *Zell* Minister, is now thought to be negotiated by M. *Balbases*, both of them concluding, that as soon as the whole

whole *Netherlands* are become *French*, the Commerce and Liberty of this Country will be absolutely at the Mercy of *France*. Another Thing that he spoke of was, M. *Calvo's* March into the Elector's *Pais de Marck*, that he could not do it without Magazines and Artillery, more than he hath provided, but that the House of *Lunenburgh* is to supply him; that those Countries he goes into cannot do it; whence he infers, that that House is to do all that *France* will have it do against the Elector.

I do not find by M. *Blaspiel*, that there will be any Resistance made at *Minden*, or on the *Weser* Side, tho' M. *de Spaen* be march'd that Way, and hath with him 10,000 Men. Here inclosed go the Copies of the *Imperial* and *French* Commissions, for executing the Treaty of the Empire: M. *Colbert* tells me just now, he is still where he was, as to the Execution of that Treaty, and that 'tis to no Purpose to have any more Meetings with the *Imperialists* about it; only that the *French*, on their Parts, do already, without Stipulation, begin to execute the Treaty, for they are most of them marched out of the Countries of *Fuliers* and *Cologn*. I am, &c.

*L. Jenkins.*

*Nimeguen, 19th May, 1679.*

MY LORD,

SINCE my last, which was of the 15<sup>th</sup> Current, I have the Honour of one from your Lordship of the 13<sup>th</sup> to acknowledge, which I do with my most humble Thanks; immediately upon the Receipt of it, I acquainted M. *Blaspiel*, in the best Manner I could, with so much of the Contents of it. as might be a Satisfaction to the Elector his Master.

WE have nothing more than I had in my last touching the Peace of the *North*, unless it be what M. *Heugh* told me on *Friday* last; that the *French* Ambassador *Feuquieres* had writ lately a Letter to the Chancellor of *Denmark*, inviting him to dispose the King his Master to send some Person qualified into *Schoonen*, to meet another on the Part of *Sweden*, there to Treat of a Peace; that the King of *Denmark* had thought it necessary to accept of the Proposition, that it might not be given out, that he is averse to the Peace, but that he has no Hopes of any good Issue, no more than of M. *Meyercroon's* Negotiation in *France*.

M. *Heugh* did upon this Occasion let himself into those deep Asseverations that I have heard him use very often, that the King his Master will rather run all the Risque and Extremities, than submit to what the *French* would prescribe, which is entire Restitution to the *Swede*, according to the Treaties of *Westphalia* and *Copenhaguen*. But he acquainted me, he said, with this Incident of M. *de Feuquieres*, to the End his Majesty might be pleased to be informed, that the King of *Denmark* would never make (with his good Will) any Step whereby he might be thought to depart from his Majesty's Mediation; but in this he is forced, for his own Defence, to follow his adverse Party in the Way that he leads him.

YOUR Lordship will have received, I doubt not, from Mr. *Meredith*, that *Don Emmanuel de Lyra* hath given in a Memorial to the States General, in order to have M. *Van Leewen* instructed to labour, when he comes Ambassador into *England*, in Concert with the *Spanish* Ministers there, that his Majesty may please to give his Guaranty of the *Spanish Netherlands*. M. *Becverning* told me last Night, that this Motion is at this Time out of Season, for that there being already a defensive League

## 594 *Letters from the Embassy at Nimeguen.*

between his Majesty and the States General, they cannot in Reason desire more, for that it is already more than any Guaranty can be from his Majesty. On the other Side, the *Spaniards* cannot desire from the States General, that they should enter into a stricter Obligation, than that they are already under to them; and so 'tis between *Spain* and the Emperor, and the rest of the late Confederates so called; for notwithstanding that each of them hath made his Peace separately, yet the respective Treaties do still subsist in the Points of mutual Defence, if any of the Parties should be attacked, after that this present War is ceased; his main Reason for this Assertion is, that these Treaties are for a Term of Years not yet expired; and as long as the Term lasts, he supposes the Obligation to be binding in all those Points that are yet capable of being reciprocally observed, notwithstanding the Failings on all Sides in the separate Peace. But the Reason he alledged, and that seemed most to weigh with him was, the Condition of Affairs in *England* at this Time; he thought this Business of a Guaranty could not be mentioned in the least to his Majesty, but it would give a very great Offence to *France*; and yet tho' his Majesty's Guaranty were had in the best Form, there could be no Fruit of it, till it please God to restore Things to their former Quiet in *England*, so much as to be hoped after. These were M. *Beccrning's* Reasons against M. *de Lyra's* Memorial.

ONE Captain *Knight*, a Gentleman belonging to Sir *W. Temple*, coming hither from *Amsterdam* yesterday, tells me, he is in Pursuit of a Discovery of Arms bought and sent into *Ireland*, to the Value of 20,000 Pounds Sterling; he could tell me no more Particulars, but that one *la Fecre* is the Seller; that there was one Ship laden with Arms gone out of that Port on *Thursday* was sevensnight, (the Master's Name *Turleton*) bound for *Dublin*; and that the Merchant's Name that loaded them is *Dorville*. This is all he hath yet learnt; he goes back for *Amsterdam* this Morning, and will, I doubt not, give an Account to Sir *W. Temple* of what he shall discover.

I take Leave to close this Dispatch earlier than ordinary, designing to wait on their Highnesses the Prince and Princess at *Deeren*, 6 Hours off. I am, &c.

*L. Jenkins.*

*Nimeguen, 22 d May, 1679.*

MY LORD,

IN my last, which was of the 19<sup>th</sup>, I took Leave to tell your Lordship, that I was then going to *Deeren*, to wait on their Highnesses. The Prince was Abroad all Day, so that I had not the Honour to see him; the Princess had taken a Vomit that Day, which made her very sick for the Time; when the working was over, she had a good Sleep between 3 or 4 Hours, and awaked out of it not only well but cheerful, and so continued the rest of the Evening; next Day, which was *Tuesday*, I sent to see how her Highness did, and had Werd sent me, she had had a very good Day of it; yesterday I sent again, but my Messenger, I know not by what Accident, is not yet come Home; but I doubt not but that the Princess is very well, the Advance of the Season, the Change of Air, and this Medicine concurring, I hope she will have no more of her Ague. I am going to wait on her Highness this Morning, therefore take Leave to design this for the Post when the Hour comes, since I cannot be back so soon.

WE have but two Things depending in this Place, but there is nothing done in either ; we have had no Meeting since the first, in order to the executing of the Peace, and 'tis not like we shall have any (for the Places will be evacuated, and the Troops retreated, without any express Stipulation): M. *Colbert* did yesterday very much value the Moderation of the *French*, in that they have already emptied several Places, as *Aix la Chapelle* and *Nuitz*, leaving only 400 *Switzers* in the first, and 100 in the other, who live upon themselves, and are no Charge to the Inhabitants ; for the withdrawing of the Troops, that he says is done in *Alsatia*, on the *French* Part, but it is certain the Emperor does it on his, tho' it is somewhat against his Will ; the Clamours of the Circles of *Swabe* and *Franconia* forcing him to withdraw his Troops, and so out of *Strasburgh*, the *Imperial* Garrison being to march out, (which I suppose is done already) and the Burghers charging themselves to keep in Garrison there 4000 of their own Men.

THE Peace of the Elector of *Brandenburgh* (which is the other Thing depending here) is still where it was ; only M. *Blaspiel* desired me on *Tuesday*, to let M. *Colbert* know, that the Elector had, by fresh Orders come to Hand the Day before, directed him (and so M. *Meinders* too) not to insist any longer upon having all *Pomerania*, but to offer himself to enter into Treaty upon those Propositions that M. *Colbert* himself had advanced. This, M. *Colbert* said, he could not accept of, nor enter into any Debate upon the Propositions he had made ; they must be accepted entirely, or else rejected : Upon this Occasion M. *Colbert* told me, that the King his Master had ordered 37 Squadrons of Horse, and 4 Regiments of Foot, and 20 Pieces of Cannon, to be in a Readiness to march up and join M. *Calvo*, in Case M. *Meinders* does not acquiesce, when he comes to the Court of *France*, in what hath been offered him here ; and in the mean while M. *de Louvoy* hath directed, that the Contributions be raised to the highest Pitch possible all over the Elector's Countries. 'Tis a Wonder to me what the Elector should mean, he professes, they say, to make no Opposition, and owns that he hath no Resource left, but that he must do all that *France* will have him do ; yet suffers the Peace that he must come to at last, to grow infinitely worse to him under his Hands, by delaying as he does to conclude it.

HE hath lately given Orders to M. *Blaspiel* (as himself told me) and M. *Spaen*, that they should deliver up *Skinken-Skans* to the States ; M. *Colbert* tells me upon all Occasions, and repeated it to me yesterday, that we shall see the General Peace very suddenly made up : One Argument he used was, that the Kings of *Denmark* and *Sweden* are going to Treat in *Schoonen*, where there is a Possibility of Dispatch ; whereas none could have been hoped for in this Place, so distant are the Humours of their respective Ministers. I am, &c.

*L. Jenkins.*

*Nimeguen, 26th May, 1679.*

MY LORD,

IN my last, which was of the 22<sup>d</sup>, I was not able to tell your Lordship, whether the Princess had escaped her Fit the Day before or not ; I found, when I came to *Deeren*, she had not ; and that the Fit had been a very severe one, notwithstanding the Vomit she had taken this Day sevensnight ; but the Fit she had on *Friday* was much more tolerable, and without any cold Fit at all ; she had a Touch of one yesterday, but

## 596 *Letters from the Embassy at Nimeguen.*

not so long nor so troublesome as that of *Friday*; so that I hope this Ague is now leaving of her, and that I shall be able by the next to tell your Lordship, that her Highness has quite lost it.

I should have waited on her Highness this Day, but that M. *Colbert* presses the *Imperial* Ambassadors to renew the Conferences, about the Execution of the Peace of the Empire: He was with me on *Friday, Saturday*, and yesterday too, to desire my Offices towards them; and I was with them several Times, but have not yet their positive Answer.

THE *Newburgh* and *Liege* Ministers do desire likewise, with all Earnestness, that these Conferences may be renewed, and that they may be present at them; M. *Colbert*, on his Part, invites them to it, supposing he will be able to make it out, that he hath the better of the Argument; but the *Imperialists* look upon this as a Step that those Ministers ought not to make, nor to meddle in the Execution of the *Imperial* Commission, but leave the Disposal of the Points in Question to the Emperor, and the Dyet of the Empire; and the pretending of these Ministers thus to intervene, is the Cause that the *Imperialists* have not yet declared, whether they will accept the Conferences, and suffer them to be present or not; but I hear they will come and tell me by and by, that they will accept the Conferences.

THE Most Christian King being resolved, in case the *Imperial* Troops do not withdraw, and that the Places where the Emperor hath Garisons, be not evacuated, to order M. *Calvo* to send back Part of the Forces under him, to repossess their old Quarters again in the Countries of *Juliers, Liege, Cologne, and Treves*, or else to direct that 7000 Horse, that are now in March to joyn with M. *Calvo*, do settle themselves in those Countries, till the *Imperial* Troops be marched out of the Empire; those Ministers of *Newburgh* and *Liege* being extreemly concerned, that those Countries be not absolutely ruined and desolated by the Return of the *French* upon them, do press extreemly to have the Conferences renewed, and themselves be present at them; nay, they do not stick to say, the *Imperial* Ambassadors have the worst Side of the Argument, and that they ought not to refuse or delay coming to M. *Colbert's* Demand, which is, to agree certain Days, whereon the Places of both Sides should be evacuated, and the Troops begin to march towards their respective Territories.

BUT it is not M. *Colbert* and these Ministers alone, that press the Execution of the Treaty of the Empire; his Highness the Prince Elector *Palatine* does call earnestly to have the *Imperial* Troops withdraw, and especially the *Lorainers*, from between the *Rhine* and the *Moselle*, notwithstanding that they are said to have pass'd into the Emperor's Service; for M. *de Bussie*, the *French* Lieutenant General, had lately sent a Message, in the Name of his King, to his Electoral Highness, that unless he and his Neighbours, the Electors of *Mayence* and *Treves*, do prevail with the Emperor to call away the *Lorain* Troops from those Places where they now are, they, the *French*, must and will drive them out by Force; it being, as they alledge, an Infraction of the Treaty, to have the Troops of a Prince in Enmity with *France* receiv'd, by way of Colour only, into the Emperor's Service, so near the *French* Territories, as to give a just Cause of Jealousie to *France*.

THUS the Prince Elector *Palatine* writes to the Emperor the 25<sup>th</sup> of this Month, pressing to have those Troops called away, the Danger being visible that the *French* will come into his Countries, and fall to Blows with the *Lorainers*. I take Leave to inclose the Letters and Memorials I had the Honour to receive *Friday* and yesterday from his Electoral



ral Highness upon this Subject. One would be apt to conclude from these Circumstances, that the *Imperial* and *French* Forces may come to a Clash; and that this is done (as M. *Colbert* alledges it is) to bear up the Elector of *Brandenburgh*: But I find M. *Beverning* and others of Opinion, the Elector will make his Peace, and the King of *Denmark* too, very speedily; and that the *Imperial* Troops will march out of the Empire, as the *French* would have them, notwithstanding the Point of Honour; for those States of the Empire that have the Troops of either Side lying upon them, do cry out upon the Emperor and his Ministers, and will do it more loudly at the Dyet, unless they be very speedily eased.

HAVING come thus far, the *Imperial* Ambassadors came to me about the Conferences, and after 4 Hours Conversation, declared they would, upon certain Conditions too long here to insert, begin the Conferences again with M. *Colbert*. They told me, the Elector of *Bavaria* is for certain dead of an Apoplexy; the Electoral Prince wants about 14 Months of his Majority, that is, of 18 Years of Age; and his Father's younger Brother, Duke *Maximilian*, is to have the Tutorage of him in the mean while; this Duke is not so much a *Frenchman* (tho' married with a Daughter of the Duke of *Bouillon*) as the late Elector was: This Accident M. *Blaspiel* looks upon as like to produce a great Change in the Empire.

I hope your Lordship hath a full Account from Mr. *Meredith*, of the Arms suspected to be shipp'd for *Ireland*: I send your Lordship the Original Letter I have from Captain *Knight* upon this Occasion. I am, &c.

*L. Jenkins.*

*Nimeguen, 29th May, 1679.*

MY LORD,

THE Conferences between the *Imperial* Ambassadors and M. *Colbert* were set once for *Tuesday*, but M. *Colbert* got them to be put off till this Morning, in Hopes to receive, by the Letters of this Day, some Certainty of M. *Meinders* having concluded the Peace of the Elector of *Brandenburgh* with the Most Christian King: M. *Colbert* comes now and tells me, that M. *Meinders* his last Proposition has been rejected; that M. *de Crequi* will be this Day at *Wesel*, where the *French* will gather together all the Forces they can, in order to fall upon the *Brandenburgh* Countries, and to pursue that War with all Vigour; tho' he came not to me, he said, to unbespeak the Conferences, yet, he told me he foresaw they would be fruitless; for that the Elector not coming to a Peace, the Emperor will not withdraw his Troops out of the Empire: And it is upon this Supposal, that M. *Calvo* hath Orders to send Forces into their old Quarters in the Countries of *Juliers*, *Liege*, and *Cologne*, to repossess themselves of their former Quarters, and to have an Eye upon the *Imperial* Troops that are ordered to stay in the Empire.

M. *Blaspiel* has been with me since my last, to desire that his Majesty would be pleased, as Mediator, to make an Overture, that *Stetin* might remain to the Elector, tho' it should be upon hard Terms.

I answered him as your Lordship had directed me in one of your late Letters, in case his Majesty should be desired to make Plans between the Parties; but his main Business was to insinuate, as he did in that Conversation, that if there were any Likelihood of a Breach between *England*



## 598 *Letters from the Embassy at Nimeguen.*

*gland* and *France*, the Elector would hold his Hand, and not accept the dishonourable Terms the *French* would impose upon him, and would joyn, he said, cheerfully with his Majesty with all his Might, in case his Majesty should enter into the War.

M. *Heugh*, in another Conversation with me, held the same Discourse as to the Conjunction of the King his Master with his Majesty, in case he entered into a War with *France*; that the King of *Denmark* hath 50 Men of War well equipped, and that he hopes his Majesty will find the Conjunction considerable and useful to him, in case he have need of it. Both of them taking a War between *England* and *France* to be unavoidable; and I find M. *Beverning* to be entered into the same Opinion, tho' he does confess he is not without an equal Fear for his own Country.

THE Elector of *Bavaria*'s Death, and that a sudden one, is confirmed.

I acknowledge with all Thanks the Favour of one from your Lordship of the 20<sup>th</sup>, and shall give your Lordship, by the first Convenience, an Account how the Affair of the Duke of *Luxemburgh* stands. This being his Majesty's Birth-Day, I take Leave to conclude with my most hearty Prayer, that GOD would bless him with a long Life, to Reign over us in all Peace and Prosperity. I am, &c.

*L. Jenkins.*

*Nimeguen, 2<sup>d</sup> June, 1679.*

MY LORD,

IN my last, which was of the 29<sup>th</sup> past, I gave your Lordship an Account how the Conferences between the *Imperial* Ambassadors and M. *Colbert* had been twice put off; but the *Imperialists* receiving Letters from the Elector of *Cologne*, whereby he desired that his Residence of *Bonn* should be emptied of the *Imperial* Garrison that now lies in it; and having received Advice likewise, that the Dyet at *Ratisbone* had sent a Request to the Emperor, that he would be pleased to ease the Empire of the Forces that now lie upon it, chiefly in the Circles of *Swabe* and *Franconia*, they did not think fit any longer to decline a Conference, since they had so much been press'd thereto, not only by M. *Colbert*, but also by the Ministers of *Newburgh* and *Liege*.

So they met on *Friday* at 10 in the Morning at the Stadthouse, in the usual Place. M. *Colbert* began with pressing the Execution of the 27<sup>th</sup> Article of the Treaty lately made here, and urged the Example and Practice of the Treaty of *Munster*, which was executed, alledging, and indeed making it out, that the Garrisons were then emptied, and the Troops withdrawn on both Sides *pari passu*.

To this the *Imperialists* answered, that the Case is not now the same; for then the Peace was general; that now here are the Remainers of a War unquenched in the Empire; that it is not suitable to the Trust and Dignity of the Emperor, to withdraw his own Forces, and abandon the Empire to Strangers: However, that the States of the Empire might ere long come to an Understanding with the Emperor, how to dispose of the Forces now on Foot, and then the Emperor would do that in Compliance with those States as to the withdrawing of his Troops, which they did not think him obliged to do by the 27<sup>th</sup> Article aforesaid; there being no Provision in it, nor in any other Part of the Treaty, for the retreating of his Troops into the Hereditary Countries. And here they acknowledged to have some Notice of the Request that the Dyet at *Ratisbone* had made very lately to the Emperor, but they not know-

knowing what Resolution the Emperor might come to upon it, could agree to nothing that was pretended to be the Drift of that Request; only they expected to receive the Emperor's Pleasure by the Ordinary of *Wednesday* next; and then they would declare how far they should be able to comply in the Thing, not from any Obligation they are under from the Treaty, but in Execution of Measures taken between the Emperor and the States of the Empire.

As to the other Point, for evacuating of *Bonn*, and other Places Garrison'd by the Emperor; the *French* Ambassadors, they said, had no Right to demand that they should be evacuated, since they were to be restored, not to *France*, but to their former Lords and Magistrates; they doubted not but that the Emperor would gratify the Elector of *Cologne* in emptying *Bonn*, as soon as his Request was made known to his *Imperial* Majesty; and so for the other Places, which are 5, that *M. Colbert* insisted to have evacuated.

*M. Colbert* offered them a considerable Thing by way of Recompence for their evacuating of *Bonn*, if they pleased to do it out of Hand; it was, that *Aix la Chapelle*, and the other 7 Posts, which the *French* are to hold in the Empire till the War of the *North* be ended, should be reduced under the Pay of *France*, and the Inhabitants eased of all Burthens from that Day forward that the *Imperial* Garrison should march out of *Bonn*. But this the *Imperial* Ambassadors were not, it seems, able to put in Execution, till they have the Emperor's Orders for it; besides that, those Posts were to be maintained at the Charges of *France*, and not of the Inhabitants, from the very Time that the Ratifications were exchanged; and so *M. Colbert* offered nothing in this, but what by the Treaty should have been executed near two Months ago.

He offered also to empty the Dioceses of *Cologne*, *Liege*, and *Treves*; and the Country of *Juliers*, of the *French* Troops, saving the Garrisons necessary in the 8 Posts abovesaid, by a Day to be set, if they did take Order, that the *Imperial* Troops should march out of *Swabe* and *Francia*, towards the Hereditary Countries; adding there will be no Delay or Failing on his Side, since *M. de Crequi* and all the subordinate Officers, were to follow such Orders as *M. Colbert* should give them in this Case. Here the *Imperialists* would do nothing likewise, till they knew what Resolution the Emperor would come to with the Dyet, upon the late Overture made to him.

BUT *M. Colbert* will have the Advantage to publish throughout the Empire these Offers he hath made, and the Refusal that the *Imperialists* have made upon them; and tho' the *Imperialists* have a fair Colour for these Delays, yet the Circles and the Estates of the Empire are impatient till they have Ease given them, and till they do partake of the Fruit of the Peace lately made, which is, to be once more their own Masters at Home.

IN this Conference, *M. Colbert* objected to the *Imperialists*, that since the Troops of the Emperor gave such a Jealousie to the *French*, that they could not pursue the War against the Elector of *Brandenburgh*, as long as the Emperor's Troops did, as it were, watch them, and would be ready, upon any Check that should happen, to joyn with the *Brandenburgher*; it was an Infraction on the Emperor's Part, in regard here was an Assistance given *indirectly* to the Enemy of *France* and *Sweden*; which the Treaty provides expressly shall not be done: He urged, that this was the single Reason, why the Elector delayed, so much to his Loss, to make his Peace; affirming, that if the Elector did once perceive, that the Emperor was in earnest for executing of the Peace, by withdrawing of his

his Troops, he would presently accept the Conditions that *France* offer'd him, and put an End to the War; but as long as he saw the Emperor armed, and observing the Motions of the *French*, he hoped that some Occasion or other would at last bring them to Blows, and so begin the War anew.

IN this Conference, which lasted for two Hours, nothing was agreed; M. *Colbert* affirming several Times, that he expected the *Imperial* Troops should lead the Way to the *French* Troops out of the Empire; that if they do not, the *French* would enjoy the same Benefit of Quartering as the *Imperialists* do, not only this Summer, but next Winter, and till the *Imperialists* shall void the Empire.

THIS Expression of *marching first out of the Empire*, seemed harsh to the *Imperialists*; and they replied, that the Emperor was not to lead the Way out *de chez Lui*, at the Instance of *France*: Upon this M. *Colbert*, by Degrees, put himself into a great Heat and Passion, insomuch that he said, they would make a War *Twenty* Years longer, rather than leave the Emperor *pour demurer Maitre de l'Empire*; that *France*, as well as the States of the Empire, had an Interest he should be bounded, otherwise *la France n'est plus rien, il faudra qu'elle baisse le pavillon & tout le monde de même à l'Empereur*. But this Storm was quickly over, they parted Friends; and the *Imperialists* intimated, that when they should receive their Letters on *Wednesday* next, they might be ready for a Conference; and upon the Orders that the Emperor should give, in Pursuance of what the Dyet hath besought him to do, they thought they might come to an Understanding with M. *Colbert*, to the Content of all Parties.

SOME Ministers here do make Account of this Difference between the *Imperialists* and *French*, as if it might end in a new Rupture; but it is hard to imagine, that the Emperor having consented to the Ratifying and publishing of this Peace, will break it so soon, upon these Points of Evacuating, wherein the States of the Empire approve the Demands of the *French*, especially those that would be most exposed if the War do begin anew. Those Princes do not stick to speak it out here by their Ministers; besides, the Condition of the Emperor is ill in *Hungary* at this Time; he sees the Way that *Holland* is treated by the *French*, and how little Resentment they think fit to shew of it, for fear of drawing a new War upon them.

THE Expedient whereby he is like to save the Point of Honour in marching out of the Empire is, to call his own Troops out of it, and to leave behind him those Troops that have been raised in the Name, and at the Charge of the Empire, tho' they have been since incorporated into the Emperor's Army. This the *French* will not have much to say against, that the Circles should do what they please with their own Troops.

As to the *Imperial* Garrisons to be emptyed, they are so few, and so small, that they are not worth the talking of, *Strasburgh* only excepted; that is a Place both Parties have a jealous Eye upon, and that one will never suffer the other to be absolute Master of; 'tis a Town and State of the Empire, and not only so, but the Bulwark of it on that Side; so that the Emperor hath the greatest Concern that the *French* should not be Masters of it: On the other Side, the *French* will never suffer the Garrison to be wholly *Imperial*; for whoever is Master of *Strasburgh*, is easily Master of all *Alsatia*; so that the Temperament herein is like to be the taking in of *Swiss*es to make up the Garrison, if the Burghers be not sufficient.

WE have no more of M. *Meinders* Negotiation at *Paris*, unless it be that the Minister of *Denmark* there looks upon it as wholly desperate; as to the Conferences in *Schoonen*, we hear no more, but that Commissaries are sent from both Sides to adjust the Preliminaries there; tho' M. *Heugh* told me last Night, that the King his Master expects nothing of Reality on the *Swedish* Side from those Conferences.

M. *d'Olivenkrantz*, who is returned hither, told me last Night, he and his Collegue had somewhat to communicate to me relating to those Conferences in *Schoonen*; as he had told me on *Thursday* Night they had something to desire my Offices upon, in relation to two Points that are still unadjusted between them and the *Hollanders*, in their Treaty with the States General; but they have not yet been with me upon either of these Occasions.

SINCE the writing of this, the two *Swedish* Ambassadors came to me upon the two Errands abovementioned; the first was, that the King of *Sweden* had ordered them to acquaint me, as his Majesty's Minister here, that he had been induced, in Regard of the Distance of this Place, to think of another to Treat their Peace in; that the King of *Denmark* had agreed to it, and that *Schoonen* is the Place; that the King of *Sweden* would have been very glad that the Peace had been finished here, as that between him and the Empire was, by his Majesty's Mediation; of the Benefit whereof he was exceeding sensible, and would upon all Occasions manifest the Regards he hath for his Majesty's Friendship and Affection upon this Occasion; that he desired his Majesty would be pleased to send some of his Ministers to the Place of Treaty in *Schoonen*, that the Treaty may be brought about by his Mediation; which that King, they said, would be very glad of. The other Thing they spoke of, were 4 Points of their Treaty that M. *d'Olivenkrantz* could not bring to an Adjustment in his Negotiation at the *Hague*; they desired my Offices upon them to M. *Beverning*; but it will be too tedious now to trouble your Lordship with the Particulars.

I take Leave to inclose to your Lordship M. *de Feuquieres* Letters that M. *Heugh* communicated to me, and some other Papers about evacuating the Empire of the Troops and Garrisons on both Sides. Having spoken now as I am closing with M. *Beverning*, he tells me, 'tis his Belief that the *Imperial* Ambassadors will have Orders to direct the withdrawing all the Emperor's Troops out of the Empire; and then said, *ce sera à nous à songer à nos affaires*, intimating, that this Country would be in Danger from the *French*, when the Emperor's Troops are recalled. I am, &c.

L. Jenkins.

*Nimeguen, 5th June, 1679.*

MY LORD,

I Dare not take upon me to answer for the Consequences of my giving such a Certificate as the Duke of *Luxemburgh* desires: 'Tis true there is nothing in it that looks like a Judgment given upon the Title one Way or other; but the giving of any Certificate, or the doing of any Act in this Case, without first acquainting the *Spanish* Ambassadors here with it, nay, without having their Consent to it, would be interpreted an Act prejudicial to the Crown of *Spain*; and may be an Occasion of very high Resentments, if that Crown should come to be otherwise than in a good Understanding with his Majesty; for it may

602 *Letters from the Embassy at Nimeguen.*

be pretended hereafter, (and not without Reason too) that by such an Act, the Claim which the Dutchess of *Luxemburgh* makes to that Dutchy, was, as it were, admitted, and the entering of it in some Sort recorded by his Majesty's Minister here; whereas his Majesty hath nothing to do, neither by his Mediation, nor by Compromise, nor as Sovereign of the *Fiefe*, nor any otherwise in this Matter. In this the Example of *Munster*, and of the Mediators there, ought to be the Rule; for there the Duke *de la Tremouille* put in his Pretension to the Kingdom of *Naples*; in the same Manner before the Mediators; but there was no Manner of Act done upon it, much less Certificate given about it by the Mediators. The same Pretension to the Kingdom of *Naples*, was laid before me here; but I did no Act, nor did I give any Manner of Certificate relating to it, but excused myself to the Duke *de la Tremouille*'s Procurator, upon the Example of *Munster*, and the Reason above hinted; where, with he was pleased to be satisfied.

HERE hath nothing pass'd since my last, between the *Imperial* Ambassadors and *M. Colbert*, but that they gave into my Hands the List that goes inclosed of those Places that they pretend the *French* should restore in vertue of this Peace. *M. Colbert* hath not yet answered upon the Particulars of it.

I humbly acknowledge the Favour of your Lordship's Letter of the 27<sup>th</sup> past; I sent to *M. d'Olivenkrantz* this Day, but cannot speak with him till after the Post is gone. I am, &c.

*L. Jenkins.*

*Nimeguen, 9th June, 1679.*

MY LORD,

MY Collegues and myself have had heretofore several Occasions to observe in our Dispatches, that we were always admitted to a sufficient Light, whereby to know what was passing in the Negotiations between the *Swedes* and the *Dutch*, and so between the *French* and the *Dutch*, (while that was depending) about their Commerce, the Parties managing it themselves, and now and then excusing the Thing to us, as not of Weight enough for our Offices; only the *Swedish* and the *Dutch* Ambassadors too have, every one in his Turn, charged the other obliquely, with carrying their Treaties to the *Hague*; whereas each Party profess'd himself content and desirous to have an End put to all their Differences under his Majesty's Mediation here; and upon this Account *M. d'Olivenkrantz* and *M. Beverning* have taken Occasion, at several Times, to discourse to me of the present State of their Treaties, and of some Things that have pass'd at the *Hague* during *M. d'Olivenkrantz* his Negotiation there.

I shall take Leave to observe to your Lordship, that there are two Treaties intended between *Sweden* and *Holland*, the one of Peace, and the other of Commerce; in that of Peace, when *M. d'Olivenkrantz* went to the *Hague* in *April* last, there were 4 or 5 Points in which they differed; *M. d'Olivenkrantz* has told me since his Return, they were all adjust'd at the *Hague*, saving one Point, which was this: The *Swedes* would have an Act of the *Dutch* Ambassadors, that the States General will observe an exact Neutrality in regard of *Sweden*, during this War in the *North*.

*M. Beverning*, in Behalf of the States, answers, that they have already given an Article to the *French* to that Effect, and that he and his

Col-

Colleague shall declare and repeat the same again to the *French* Ambassadors in the Presence of the *Swedes*; but they will give no new Act, since that would give the *Dane* and *Brandenburgher* a fresh Occasion to reproach them, for having abandoned their Allies, in making their Peace with that Precipitation they did.

M. *Colbert* told me the other Day, that in this the *Swedes* are in the wrong, and that he will tell them so to their Faces; for that they had declared to him, they would be content that this Act about the Neutrality should be repeated to them the *French* Ambassadors only; and not given as 'tis now demanded, as a direct Obligation from the States to the King of *Sweden*, that they will continue Neuters during this War: This is all I know of the Treaty of Peace; only M. *Beverning* told me about 4 or 5 Days ago, that there may be a Temperament found in this, if every Thing else can be agreed on; but that notwithstanding the Article about satisfying for the Corn-Ships brought to *Stralsund*, and unladed by Count *Coningsmark*, be adjusted, (for that is one of the Articles of the Treaty of Peace) yet they have had 7 or 8 Merchant Ships taken by *Swedish* Capers; and for those the *Dutch* must have Satisfaction, before the Treaty of Peace can be concluded.

THE Treaty of Commerce consists, according to the Copy I have of it, of 35 Articles: I take Leave to send your Lordship a Transcript of it, as I had it from M. *d'Olivenkranztz* in *November* last; but there may be many Things chang'd in it since, at the *Hague*, or here, without my Knowledge.

BUT the *Swedish*, the *Dutch*, and the *French* Ambassadors too, have, upon several Occasions, told me, that all the Difficulty about the Commerce lay in the 6th and 7th Articles of the Project, the rest being Articles common to all Treaties of Commerce; and of the 7th, which is the principal, I take Leave to send your Lordship a Copy, as I have it from M. *d'Olivenkranztz* since his Return from the *Hague*; he telling me, that he and the Deputies of the States had agreed it fully in the very Words I now send it, excepting the last Clause, which consisting of two Branches, he pretends to have entirely admitted, or else entirely left out.

THE 6th and 7th Articles being those that relate to the *Swedish* Trade directly, I shall humbly take Leave to enlarge upon them, first as they were insisted upon by the *Dutch* Ambassadors before M. *d'Olivenkranztz* went to the *Hague*; next as they are now adjusted; that your Lordship may the more clearly discern what Influence this Treaty of Commerce may have upon our Trade in the *North*.

As these two Articles, as the *Dutch* Ambassadors first projected them, there were four Points they insisted on with much Earnestness.

1. THAT it might be free for *Hollanders* to import and export all Manner of Merchandizes, that were not expressly forbidden in *Sweden* to be imported or exported by the Subjects of that Crown, as well as by Foreigners; their Aim therein was, to have certain Companies in *Sweden* broke and abolished, especially those that had the Monopoly there of Pitch, Tar, and Tobacco.

THE 2d Point was, that whereas there is a Difference made in *Sweden* between *Swedish* Ships that are armed, and carry Merchandizes, and Ships that are not armed, so that the Goods laden in the first Sort pay less Customs than Goods in Ships that are not armed, (whether they belong to *Swedes* or other Nations) and that this Difference was established in the Years 40 and 45; the *Dutch* Ambassadors had it in their Aim, and in their Project, to reduce all Impositions, and especially this Difference and Inequality, to the Foot they were upon in the said Years

40 and 45 ; since the said Customs and Impositions have been raised oftentimes, and the Difference and Inequality heightened.

AT first, where the *Swedish* Ships armed or privileged paid 4 Rix-dollars, a *Holland* Merchant Ship paid but 6 ; but the Disproportion of late hath been much greater ; the *Dutch* Ambassadors, in their Debates here, did not pretend that the King of *Sweden* should have his Hands tyed, so as not to raise his Impositions upon Strangers as he should think fit, but only that he should raise upon his own Subjects too in Proportion ; as for Instance, if he should raise the 6 Rixdollars abovesaid to 12, upon a *Holland* Merchant Ship, he should raise it to 10, and not to 8, upon the *Swedish* armed Ship ; I mean, the Disproportion of 4 and 6 for Example, which was established in 40, and 45, should not be changed, as it hath been of late Years ; and for any additional Duty to be added upon the Disproportion, they pretended it should be equal upon the *Swede* and the *Hollander*.

'Tis to be observed, that the *Swedes* do not pretend to make this Difference, of Ships that are armed and not armed, in all their Ports upon the *Baltick* Sea, but only in the Ports of the Kingdom of *Sweden*, (wherein they say *Schoonen* is incorporated) and in the Ports of *Finland*.

THE 3<sup>d</sup> Point that the *Dutch* Ambassadors projected to gain in this Treaty, was the abolishing of certain Impositions laid upon their Ships, tho' without any Lading in them, in the Ports of *Riga*, *Revel*, and *Wybowg* ; and that their Subjects might freely Travel and Trade up and down in all the Dominions of the King of *Sweden*.

A 4<sup>th</sup> Point was, that it might be lawful for *Hollanders* to have Houses of their own, and Ware-houses too, to keep their Goods in, and expose them to Sale, and not be bound to put their Goods in Publick Cellars.

THERE are two Points more not set down in the first Project, but started since, I suppose, at the *Hague* ; the one is, that all Statutes and Customs introduced since the Year 1640, whereby the Liberty of Commerce is diminished or restrained, be revoked and abolished. The other Point is, that *Hollanders* may enjoy in *Sweden* all Immunities and Advantages that any other Stranger Nation, the strictest in Friendship with it, (the Words in the *Latin* are, *amicissima quævis gens externa*) doth at this Time enjoy, or shall at any Time hereafter be admitted to, in all Matters whatsoever relating to their Persons, or else to Trade and Traffick.

THE four first of these Points, tho' they had been much bandyed here at several Reprises, but without Success, were adjusted at the *Hague* in M. d' *Olivenkrantz* his Negotiation there : It was thus.

As to the 1<sup>st</sup> Point, the *Hollanders* have Liberty, by the 6<sup>th</sup> Article, to import and export every Thing that is not forbidden the proper Subjects of *Sweden* to deal in.

'Tis true, the *Hollanders* do stipulate by the Treaty, that the Companies they were aggrieved with shall be abolished ; this the *Swedes* would not be brought to, out of a Regard to the Dignity of their Master ; but they have agreed to give a separate Act under their Hands, when they come to sign this Treaty, whereby they will declare and promise, that whereas the States General desire the abolishing of several Companies prejudicial to the Liberty of Commerce, that their King doth intend to do it, and that there shall be Orders issued out for the abolishing of all Companies that are contrary to the Intent of the 6<sup>th</sup> Article, and particularly those of Pitch, Tar, and Tobacco ; and that this shall be done with Effect, at the same Time that the Instruments for the Râtification of



of this Treaty do pass the Forms in *Sweden*: I take Leave to inclose herewith a Copy of that Act, as it was agreed at the *Hague*, the last Thing only excepted; for the *Swedens* will not add, *that the like Companies shall not be erected for the future.*

As to the 2<sup>d</sup> Point, about which there was the greatest Difficulty, the Difference and Disproportion to be observed between the Customs and Impositions paid by *Swedish* Ships that are armed, (and consequently privileged) and *Holland* Merchant Ships, is thus regulated:

1. No Ship shall be reputed armed, so as to be privileged, unless it carries 24 great Guns, and have certain other Requisites, prescribed in a late Placart of the King of *Sweden*.

2. THIS Difference between the armed Ships of *Sweden*, and the *Holland* Merchant Ships, shall be made only in the Ports of the Kingdom of *Sweden* and of *Finland*; but in the Ports of *Esthonia*, *Livonia*, *Ingria*, *Pomerania*, *Mecklenburgh*, and all other Places belonging to that Crown, there shall be no such Difference, Inequality, or Disproportion in the Customs and Duties; the *Hollanders* being to pay no more than *Swedens* (tho' armed) do, in these Ports last mentioned.

3. THAT the Difference or Disproportion that *Holland* Ships are to pay, over and above what *Swedish* armed Ships do pay, shall be upon the same Foot it was in by the Printed Book of Rates of the Year 1668; what the Disproportion is, neither the *Swedish* Ambassadors, nor the *Dutch* Ambassadors, nor yet M. *Sikercroon*, have been pleased to tell me; all saying, (when I asked the Question, as I did often) they knew it not, but referring themselves to the Printed Tables or Books of that Year.

THIS is a Point that the *Swedens* have clearly gained upon the *Dutch*, for they insisted from the Beginning, to have the Disproportion fixed upon the Tariff of 68, and have now got it so fix'd, tho' the *Dutch* labour'd to reduce it to the first Establishment of 40, and 45 only.

4. THE *Dutch* have gotten four Species of Merchandizes, that is, Timber, Corn, Pitch, and Pot-ashes, to be rated as to the Disproportion, not upon the Foot of 68, but upon the Foot of another Tariff more moderate, which was made in the Year 1659: Yet M. *d'Olivenkrantz* pretends, they are at Liberty to go off from their Engagements, as to these four Sorts of Commodities, and to insist, that they be rated as all the others upon the Tariff of 68, in regard he had yielded this Point, upon a Supposition that the Peace should be concluded at the *Hague*, when this Point was Treated and debated on; but it having fallen out otherwise, he and his Colleague would be thought to be at Liberty to go off from what was agreed touching these four Sorts of Commodities.

5. THE Difference or Disproportion abovementioned, is imposed with relation to the Ships alone, not at all to the Goods or Merchandizes in them; so as the Goods of *Hollanders*, when they are laden in these armed or privileged Ships of *Sweden*, shall pay no more than if they belonged to *Swedens*; the same Abatement or Disproportion of Duties being allowed to *Holland*, as to *Swedish* Goods, when the *Holland* Goods are laden in these *Swedish* armed Ships.

6. THAT if the Duties be at any Time raised, it shall be equally upon the *Swedish* Subjects as upon the *Hollanders*, and no Disproportion used but what is fixed by the Tariff of 68; and that in the Ports, and upon the Ships abovespecified, so that supposing the Inequality then fixt to be, that an armed *Swedish* Ship shall pay but 4, where a *Hollander* pays 6, if 6 more, or any other Addition, be from henceforth laid upon Goods in *Swedish* Ships, tho' arm'd and privileg'd.



7. IT is further agreed for a general Rule, that this Disproportion being thus fix'd in *Sweden* and *Finland*, the Subjects of *Holland* shall be bound to pay in all other Ports and Places no more, or other Duties, than what the Subjects of *Sweden* do; and there shall be no Immunity or Preference granted to the *Swedish* Subjects, to the Prejudice of this mutual Liberty.

HERE I take Leave to observe, that each Party reserves to itself, by Implication, a Liberty to raise the Duties, as they shall see Cause, in their respective Dominions, provided one Party do exact no more of the Subjects of the other, (excepting the Disproportion abovementioned, between *Swedish* armed Ships and *Holland* Ships) than from their own proper Subjects: But the Demand that the *Dutch* Ambassadors made in their first Project was, that all Duties should be reduced to the Foot they were upon in *Sweden* in the Year 1640, and in the United Provinces in the Year 1654.

8. THERE shall be Printed Tables in all Places necessary, for to shew as well the Disproportions abovesaid, as all other Duties that are to be paid.

THUS this great Point of Duties, and the Disproportion between them, upon armed Ships of *Sweden*, and upon *Holland* Merchant Ships, was at last agreed with M. d'Olivenkrantz at the *Hague*; and tho' I send your Lordship the Article itself, as both Sides do own it to be agreed, yet I have endeavoured to represent it to your Lordship distinctly, it having been a Matter that has puzzled the Parties themselves to penetrate, and to come to an Understanding in, as well as the *French* Ambassadors and myself, who, upon Occasions, have meddled in it.

As to the 3<sup>d</sup> Point, the Impositions in the Ports of *Riga*, *Revel*, and *Wybourg*, upon Ballast of Ships, it is agreed, that those Impositions shall be abolished, if they have been introduced since the Year 1656.

As to the Travelling or Trading of *Hollanders* up and down the Countries, I do not find any express mention made of it in the 7<sup>th</sup> Article; but it may be thought to be provided for in the general Words of the Peace, and in those of the 6<sup>th</sup> Article of this Treaty of Commerce.

As to the 4<sup>th</sup> Point, which is about Dwelling-houses and Ware-houses, it is agreed, that it may be free for the *Hollanders* always, and every where within the King of *Sweden*'s Dominions, to lay up, and expose to Sale, their Salt, Hops, and Herrings, in Houses of their own.

IN the two other Points set up lately at the *Hague*, they are not yet come to a Conclusion; for that of abolishing all Statutes and Customs restraining Trade, &c. the *Swedes* are content to abolish all that have been introduced since the Year 1656, but the *Dutch* would have the Abolition to commence from the Year 1640.

As to the other Point, of granting to the *Hollanders* equal Privileges with any Nation whatsoever; the *Swedes* say, they are content to do it, but then there being certain Imposts in *Holland*, laid upon all Merchandizes whatsoever, that are either ship'd from *Holland* for any Part of the *Baltick* Sea, or else that are imported into *Holland* from any Part of the *Baltick*, over and above what the same Merchandizes should pay in *Holland*, if they were imported thither from any other Part of the World, or were transported to any other where than into the *Baltick* Sea; the *Swedes* would have this Impost taken off; if this be denied them, they are denied, they say, the Reciprocal of these Words, *amicissima quævis gens extera*; and here both Sides stick.

M. Bœurning says, he allows that in *Holland* there is, and has been of a long Time, an additional Duty imposed upon all Goods going or coming

ing through the *Zundt*; that their own Subjects do pay it, and all other Nations as well as the *Swedes*; and that there have been three Treaties of Commerce made between *Holland* and *Sweden*, and yet this Duty never desired to be taken off. To this the *Swedes* answer, that the last Clause of the 7<sup>th</sup> Article, as your Lordship will find it apostill'd, must stand entire, or else be wholly omitted; that is, either they must have this Duty relating to the *Zundt* taken off, or else they must be left to their Liberty, to allow other Nations some Privileges that they do not allow the *Hollanders*.

THUS, MY LORD, you have the best Account I am able to give, of the present State of the Treaty of Commerce; and of the Differences, partly adjusted, and partly unadjusted, between the *Swedes* and *Dutch* Ambassadors.

I did, according to your Lordship's Command, discourse this Business on *Saturday* last with M. *d'Olivenkrantz*; he says, he offered to make a Treaty of Commerce when he was in *England* last, and that he did not clog his Offer with any Conditions relating to the Mediation or the War; he hopes, he says, to return into *England*, and there to make a Treaty of Commerce with his Majesty; that in the mean while, his Majesty's Subjects will have one Benefit by this Treaty with the *Dutch*, which is, the breaking of the Monopoly Companies, which will be as soon as the Treaty with *Holland* is ratified; but I could not get him to speak out, what *Sweden* might, or would yet do, for the continuing and improving of the Commerce with *England*.

UPON this Occasion, I shall take Leave to inclose to your Lordship, a Paper that Sir *Joseph Williamson* delivered to M. *d'Olivenkrantz* when he was in *England* about *September* last; it contains ten Grievances to our *English* Trade in *Sweden*; I will endeavour to lay before your Lordship, wherein, and by what Articles of this Treaty of Commerce, the *Dutch* have relieved themselves from those Grievances, as far as they were common to them as well as to us.

As to the other Matters depending here, there is nothing of Moment occur'd since my last of the 5<sup>th</sup>; the *Imperial* Ambassadors have offered, that the Cities of *Treves*, *Keyser*, and *Bonn*, shall be evacuated of the *Imperial* Garrisons in them, but would not be understood to offer this as a Compliance with the *French* Ambassadors Desire, or as from any Obligation by the late Treaty to do it; they do it, say they, because the Princes, who are Lords of those Places, have made it their Request to the Emperor; but then they would be assured beforehand, that the Troops of *France* would withdraw from the Neighbourhood of those Places, and consequently that they should be out of Danger of Insult or Surprise.

THIS does not come up to the Demand of M. *Colbert*, who would have the *Imperialists* declare, that they will empty those Places, and withdraw their Troops out of all those Countries, which are not to remain to the Emperor, either by the Treaty of *Nimeguen*, or by that of *Munster*; this he offers on his Part to do, and to set certain Days for the doing it, and will not come to the naming of particular Places, till the *Imperialists* do agree to this general Proposition: But in that Offer, say the *Imperialists*, there lies a Caption; for the *Imperialists* do pretend, that the *French* are bound, in Execution of this Treaty, to evacuate the Ten Free Towns in *Alsatia*; but M. *Colbert* alledgeth, that the King his Master hath Right to put and constitute what Garrisons he pleases in them, by vertue of the Treaty of *Munster*, and so he will not evacuate those Places.

## 608 *Letters from the Embassy at Nimeguen.*

THE *Imperialists* may demur upon these Points for a while, but they must ere long withdraw their Troops to the Hereditary Countries upon their own Principle; for the Princes of the Empire are moving, not only by way of the Dyet at *Ratisbon*, but by all other ways, to have the *Imperial* Troops be gone, and all Places and Countries eased of so great a Burthen; and in bringing on this, *M. de Strasburgh* is not a little instrumental.

THE *Imperialists* told me on *Friday*, they had several Memorials to give in to me, of Infractions upon the Peace by the *French*; but the saddest of all, are those relating to *Fuliers*, whither the *French* are returned again, notwithstanding the Duke of *Newburgh* be a Party to the Peace of the Empire, to the utter Ruin of that poor Country.

*M. Blaspiel* being with me on *Friday*, told me, he could not possibly be sooner acquainted, than by the Post that is to come in from *Berlin* this Night, several Hours after that this Extraordinary shall be gone, with the Resolution that the Elector will have taken, upon the last Refusal made to *M. Meinders* in *France*; he still spoke as if it were impossible for the Elector to resolve to part with *Stetin*; but that being left him, there would be a Way found to accommodate all Things else.

IN this Conversation, he would needs insinuate again, that if there were any Hopes out of *England*, the Elector would bear up notwithstanding all this: I told him, that certainly his Majesty would, out of his own peaceable Inclinations, as well as his own Royal Judgment, avoid all that was possible the entering into a War; and that I did believe, the Minister of the Elector of *Brandenburgh* might easily satisfy himself in *England*, that his Majesty's Counsels are all tending at this Time to live in Peace with his Neighbours.

WE have no News of the Conferences in *Schoonen*, and the last from *Cologne* speak, that the Army under the Marschal *de Crequi*, was to begin its March from *Lipstadt* on *Thursday* last, strait towards *Minden*.

*M. Beevring* tells me just now, as I am closing, that *M. Meinders* his last Letters to *M. Blaspiel* do advise, that there are such Preparations going on in *France* of all Sorts, and in all Places, as if that King intended to begin a War anew against the whole World. I am, &c.

*L. Jenkins.*

*Nimeguen, 12th June, 1679.*

MY LORD,

MY last was of the 9th, wherein I gave your Lordship the best Account I could, of the State of the Treaty of Commerce between the *Swedes* and *Holland*; I have nothing to add, and can only watch the Progress of it.

*M. Blaspiel* told me yesterday, he had received Letters from the Elector his Master the Day before, whereby his Electoral Highness gave him to understand, that he had then sent fresh Orders to *M. Meinders*, that would certainly produce a Peace, and therefore gave him, *M. Blaspiel*, Directions immediately to repair to *M. Colbert*, and to be instant with him to make Use of the Powers he hath intrusted him, so as to make all Hostilities in the Elector's Countries to cease.

*M. Colbert* owned he hath such Powers, but excused himself from giving any such Orders to the Commanders, till *M. Blaspiel* and he were come to an Agreement; besides, this new Overture of the Elector's

being sent not to this Place, but strait to the Court of *France*, the Orders for ceasing Hostilities were to be expected thence, in case the Most Christian King should like of the Terms proposed; and not from M. *Colbert*, to whom M. *Blaspiel* (as he told me) was not able to give any Account, of the particular Offers that the Elector was now come to. For M. *Blaspiel*, as he says, had not by the last Post the Particulars of the Elector's Orders to M. *Meinders*, but expects them by the next; only he is advised by private Letters from Court, there is little doubt to be made but that the Offers which M. *Meinders* is now enabled to make, will satisfy the Court of *France*.

M. *Colbert*, upon Confidence that the Elector is in earnest, took upon him to write to Messieurs *de Crequi* and *Calvo*, to let them know in what State the Elector's Negotiation is in at this Time, and what himself, upon M. *Blaspiel*'s Report, believes of his being near an Accommodation; leaving them, as to the rest, to make what Use they in their Discretion should think fit of the Advertisement.

THO' M. *Blaspiel* told me no Particulars, saying, he had none to impart, yet he mentioned *Stetin* expressly, and said, he did not know whether his Master had given over insisting on it or no; but he said it in such a Manner, as if the Elector was willing to quit that Hold.

WHEN I asked him, what Progress the King of *Denmark* made in his Peace? He answered me, none as yet; the *Schoonen* Conferences being not to begin till the  $\frac{17}{2}$ th of this Month; however, that he had Orders, he said, to assure M. *Heugh* here, that the Elector would not conclude his Peace till the King of *Denmark* had made his; and that that King hath given the Elector the like Assurance on his Part.

SPEAKING further with him about the Interests of the Dukes of *Mecklenburgh*, about the Toll of *Warnemund*, in order to have them set right, if possible, in the Elector's Treaty with *Sweden*; he told me, he would do his best, and had Orders so to do, if the Treaty were to be made and finished in this Place; that he did believe it would be so, sure he was, it was the Elector's Desire it should be so, out of the deep Regards he had for his Majesty's Mediation; but that if the Court of *France* do determine it otherwise, the Elector must submit in that, as in all Things else.

I take Leave to inclose to your Lordship a Paper that M. *Beverning* left with me 3 or 4 Days ago, about a Light-House that the King of *Denmark* is to keep up upon the Isle of *Anout* in the *Baltick* Sea; his Desire was, that I would take some Time to joyn my Offices with his, towards the *Swedish* Ambassadors here, the King of *Denmark* being willing to maintain the Light-House, for which he has an Impost from all Ships; but the *Swedish* Capers are still beating it down, and ruining it; there being no Inhabitant upon the Island, but such as are set there to look to the Light.

THO' I hear no more from the *Imperialists* or M. *Colbert*, touching the voiding of the Troops, yet by a Letter I have the Honour to receive just now from his Highness the Prince Elector *Palatine*, I find that not only the Emperor hath promised speedy Ease to the Princes interested, but also that it is press'd with all Earnestness at the Dyet; and that the Count *de Chavagnat*, Commander in Chief of the Troops beyond the *Rhine*, hath signified to his Electoral Highness, he had received Orders to withdraw his Troops; but when the Elector's Letter was written, they had not yet begun their March: So that it is probable the *Imperialists* and the *French* will let this Evacuation work itself out by Degrees, rather than endeavour any more to agree it by Conferences, the

## 610 *Letters from the Embassy at Nimeguen.*

Principles they go upon being so very distant ; for M. *Colbert* would have the *Imperial* Troops under an equal Obligation to retreat out of the Empire ; which the *Imperialists* contradict, as inconsistent with the Dignity and the Trust of the Emperor.

M. *Colbert*, at a Visit he gave M. *Haren*, told him, he expected Orders by the Post of *Sunday* next, to return into *France* ; this M. *Beverning* and M. *Haren* understands, as if he intended to make the Treaty with the Elector of *Brandenburgh*, and sign it here before he went, but not to stay for the Ratifications. I asked M. *Beverning*, upon this Occasion, whether there was any Thing done of late in their Treaty of Commerce with *Sweden* ; he told me, that since the Debate he had had with the *Swedish* Ambassadors, soon after M. *d'Olivenkrantz* his Return hither from the *Hague*, he had no Answer nor Orders upon the Account he had given to the States ; the Reason was, that he who is the principal Commissioner of the States in that Affair, was gone to *Zealand*, and was not expected sooner to return than this Day. I am, &c.

L. Jenkins.

*Nimeguen, 16th June, 1679.*

MY LORD,

MY last was of the 12th Current, since which I have not the Favour of any from your Lordship to acknowledge.

M. *Blaspiel* being with me yesterday in the Evening, was pleased to communicate to me the Particulars which came to his Hands on *Friday*, of the Elector his Master's last Instructions to M. *Meinders* ; they were,

1. THAT M. *Meinders* was to propose several Ways, and to use all Means possible, that *Stetin* might remain to the Elector. 2. That if this might not be, there was a Liberty left him to part with *Stetin*. 3. That upon that Consideration, there was a much greater Sum of Money to be insisted on, in order to give some Relief to the many Creditors the Elector hath.

M. *Blaspiel*, when I observed to him, that the Prints made the Sum to be a Million of Crowns, did not deny the Thing, but wondered how it came to be in Print.

THE Elector, before he came to this Resolution, spoke with every one of his Counsellors in particular, and afterwards had them assembled together ; and when they had delivered their Opinion to the Elector aforesaid, he gave Orders that an Instruction should be drawn up to M. *Meinders* accordingly, but with the greatest Signs of Reluctancy ; adding no more, but that if it must be so, there was one only Point to be taken Care of, which was, that it might be done with the saving as much as possible of his Honour : And it affected him so deeply, that he fell ill immediately upon it ; and M. *Blaspiel* seemed to be very much in Pain, till it please GOD he have the News of the Elector's being in a better Condition of Health.

M. *Blaspiel* told me, he had not yet spoke with M. *Colbert* upon any of the Points abovementioned, nor communicated any Thing to him of the Dispatch he received on *Friday* last ; but he told me in Confidence, that he expects by the Ordinary of *Sunday* next, we shall have the News here that M. *Meinders* hath made the Peace in *France* ; his Orders leave him in that Latitude, and M. *Blaspiel* doubts not but that his Judgment will have lead him to finish the Affair out of Hand, tho' he says, he may, as his Orders are penn'd, betake himself to the other Way,

Way, and either delay or refuse to conclude it; but he is so far from thinking he will delay it, that he, M. *Blaspiel*, did on *Saturday* last give it as his Opinion to the Regency and Nobles of *Cleves*, that came to ask his Advice; that they would do best to take their Measures for compounding with the *French* in the Matter of Contributions; as if M. *Meinders* would certainly conclude the Peace within a very few Days.

SOME other Things he told me by way of Conversation, as that M. *Meinders* had advised him, by his Letters dated the 10<sup>th</sup> Current, that an Ambassador, which lately arrived at the Court of *France* from *Sweden*, labours all he can to hinder the speedy Conclusion of this Peace with the Elector, in Contemplation of the Advantages that *Sweden* will have, by protracting this War, which are the great Subsidies that come to it out of *France*, and a Certainty of its being re-established in all it hath lost.

ANOTHER Thing was, the great Levies that are made in *France*, notwithstanding all the Probability of a speedy Peace; Colonel *Stuppa* having told M. *Meinders* but the Day before, that he had by the King's Orders very lately caused Levies to be made, to the Number of 15,000 Men, in *Switzerland*.

A third Thing was, that it was certain such Preparations are not made without some great Design in view, and that Men were divided in their Opinions, some said that it was against *Italy*, others against *England*; but it was M. *Meinders* Opinion, it was most probably meant against *England*; that it was certain the Court of *France* did earnestly desire to put a speedy End to this War with *Brandenburgh*, in order to attend some greater Design. In a Word, I see plainly, that M. *Blaspiel* concludes his Master's Peace to be as good as made, 1. From the last Orders of the Elector to M. *Meinders*. 2. From the No-preparations that the Elector makes, to make Head against the *French* upon the *Weser*; he having no less to fear from the House of *Lunenburg*, than from the *French* themselves. 3. From the little Help he is to expect from any Part of the Empire, or from the King of *Denmark*.

He told me further, that having communicated what is above to the *Danish* Ambassador, he was not well pleased with it; and said, it amounted to a Separation from his Master the King of *Denmark*; but he assured M. *Heugh*, no such Thing was intended; observing to him withal, that there being no less than five of the Elector's Provinces at this Time in the Possession of the *French*, (and the worst of those five being far more considerable in Value than the Counties of *Delmenhorst* and *Oldenburg*, which are the only Places of the King of *Denmark*'s in present Danger of the *French*) it was high Time for the Elector to look about him, the King of *Denmark* being not able to spare him any of his Men, since he will have Work enough for them in *Schoonen* and *Holstein*. But he offered M. *Heugh* withal, that if he could shew him any Resource, whereby the Elector might, with any Probability of Success, bear up against the *French*, to dispatch an Express presently to *Berlin*; and he doubted not but the Elector would hold his Hand.

IN this Conversation, I asked him how Things stood in the Empire, as to the withdrawing of the *Imperial* Troops into the Hereditary Countries; I having not heard of late any Thing from the *Imperial* Ambassadors on the Subject: To this he produced me a Letter of the 4<sup>th</sup> Current, O. S. from the *Brandenburgh* Minister at the Dyet at *Ratisbon*, whereby he advises, that the States thero were agreed to beseech the Emperor to withdraw his Troops, only they were upon a nice Difference (scarce to be perceived) about the wording of the Time; they had first drawn it up *aussi tôt qu'il sera possible*, which they had since changed into these

Words, *au plus tôt qu'il est possible*; thereby to shew, as was intended, how earnest and pressing the States were to have them be gone.

THIS is all the Account M. *Blaspiel* gave me, both of the Disposition of the Dyet, and of his Master's Peace. But M. *Colbert* the Day before expressed himself to me, as if he had quite another Apprehension of those Things; he had Advice, he said, of a Letter that the Bishop of *Gurck* had written into *Switzerland*, whereby he observed, that it was in vain to expect that the *Imperial* Troops should quit the Empire, as long as the *French* Troops were ranging, as now they are, in the Heart of it; so that what good Words soever, said he, the *Imperialists* do give the Princes of the Empire, of their Readiness to march out of it, they intend no such Thing: And for the Peace of *Brandenburgh*, he says the Elector delays it in this View, that the *Imperialists* and the *French* may again come to a Rupture about marching their Troops out of the Empire; and he complained, that he had not heard from M. *Blaspiel*, as he had on *Tuesday* promised him he should, what the Particulars of the last Instructions of the Elector to M. *Meinders* were; he said, the Electoral Ministers did but trifle with the Court of *France*, and that the Elector did design to spin out this Summer, since it would be impossible to come at him in the Winter-time; that therefore he, M. *Colbert*, had written to M. *de Crequi*, that there was no Way to bring the Elector to a Peace, but by pushing on his Conquests in his Countries with all the Vigour possible.

THE main Argument of the Elector's Delay he made to be, that the Instructions for M. *Meinders* were not communicated to M. *Blaspiel* as soon as they were dispatched for *France*; whereas indeed there should have been Orders given him, to Treat upon it here with M. *Colbert*, since it was well known M. *Colbert* had a Commission sent him to that Purpose; instead of that, it seems, M. *Blaspiel* offered M. *Colbert* a Letter from the Elector; but M. *Colbert* excused himself from receiving it, in Regard the Elector was not yet in Amity with the King his Master.

THIS Day the Prince of *Anhalt's* Minister goes away; the Prince his Master is, he says, very sensible of his Majesty's Favour to him, in ordering his Interests to be supported here, as much as might be, by his Majesty's Mediation; but the whole Business of *Denmark* being to be transferred hence to *Schoonen*, this Minister is like to be sent to look after it there, there being nothing more here to be done.

I take Leave to inclose a Memorial that M. *Oxenstiern* and his Colleague gave in to me last Night upon a very untoward Subject. A Merchant of this Town being to pay him a Bill of Exchange of 5000 Crowns, two of the Ambassadors principal Creditors got the Money to be arrested by Decree of the *Provost des Echevins* of this Town, in the Merchant's Hands; Upon this Occasion, other Creditors (who are, it seems, not a few) took an Alarm, and have put in for a Share of this Money; pretending further, to have an Arrest laid upon all that they can find belonging to M. *Oxenstiern* in this Town: I had no better Way to serve him, than presently to have Recourse to the *Dutch* Ambassadors for their Concurrence, in order to have this Arrest taken off, and Things as much as may be set Right again: The Ambassador is so much the more to be pitied, that in all the great Impleys he has had, he hath kept his Credit very entire; and tho' this Misfortune hath happened to him because his Supplies from Court do fail, yet had he been advertised of this Arrest before it was laid on, he would have prevented it, and the Noise it hath since made; but now he thinks the Dignity of the King his Master is so much engaged, and the States General, under whose

safe



safe Conduct he is come hither, concerned to see him repair'd in the Point of Honour; besides that, he would have all Publick Ministers here engage in the Quarrel.

I inclose likewise the Draught of a Petition I received on *Saturday* from Mr. *Custis*, a Merchant of *Rotterdam*; the Subject Matter of it is, as your Lordship will see, for their Relief under a Grievance of very great Consequence to our Trade and Nation: I suppose it may be a very proper Work for his Majesty's Envoy Extraordinary, Mr. *Sidney*, to enter upon, as soon as he comes over: In the mean time, Mr. *Meredith* is qualified by his Commission to give in Memorials, if your Lordship shall judge the Thing to press hard: Had I been told any Thing of it while I was at the *Hague* in *March* last, I would have done my best to serve the Merchants; what Mr. *Custis* desires of me, is, as I conceive, improper, in Regard I cannot be upon the Place, to enter into Conferences with such as the States shall depute; for a Thing of this Nature cannot be brought to an End without Conferences and Applications, that such a Distance will not admit of.

SINCE the writing of this, M. *Colbert* came on Purpose, he said, having been solicited by M. *Oxenstiern*, to desire my Offices in procuring Reparation in the Insult abovementioned, (for so he termed it) made upon that Ambassador. I had desired M. *Oxenstiern* to forbear applying himself to the Ambassadors and Ministers here, in order to engage them, till he saw what the *Dutch* Ambassadors and myself would be able to do in making up this Matter; but it seems he could not stay to see what the Deliberation of the Magistrates of this Day will produce.

ANOTHER Thing he told me was, that the King his Master looked upon the List that the *Imperialists* gave in about a Fortnight ago, of the Places that they pretend *France* should restore in the Empire, as the most unlikely Way to bring about the Execution of the Treaty; he read me the Letter that the King his Master had writ to him, approving of the Answer which he, M. *Colbert*, had given upon that List, which I have already given an Account of to your Lordship, that *France* would void all the Places that were not to remain to it, either by the Treaty of *Munster*, or by this of *Nimeguen*, if the Emperor would do the like on his Part; and that the Troops of *France* should be ready to enter into the *French* Territories, or else into the Country of their Enemy the *Brandenburger*, at the same Time that the Emperor's Troops should be ready to enter into the Hereditary Countries.

M. *Colbert* said, he would not desire any Office of mine towards the *Imperialists* upon this Point, the Reason was, that the King his Master, in his Letter, observed to him, the Thing would do of itself, he having Advices from several Parts of the Empire, that the *Imperial* Troops were drawing towards *Egra* in *Bohemia*, and that when the Elector's Peace was made, all the present Difficulties would be quickly over.

He read me another Clause out of the same Letter, which begun with these Words, — *C'est avec peine que je vois*, that the King of *Sweden* hath drawn off the Treaties hence into *Schoonen*, the Most Christian King judging, as his Letter expresses it, that the removing of the Conferences thither, was not a Way to take off Delays, but to beget them; the Words of the Letter were to that Effect, which, I must confess, surprized me, because the first Motion of a Treaty there proceeded from M. *de Feuquieres*.

OTHER Passages there were in the Letter, that reflected a little upon the *Swedish* Ambassadors, for delaying to make up their Treaty with *Holland*; and by the Tenor of the Letter one would guess, that the

Most



## 614 *Letters from the Embassy at Nimeguen.*

Most Christian King is not much satisfied with the Conduct of *Sweden* in relation to the present Negotiations. I am, &c.

*L. Jenkins.*

*Nimeguen, 19th June, 1679.*

MY LORD,

**T**HIS Day, as it happens, I have nothing to add to my last, which was of the 16th, that may give any further Light, as to the State of the Elector of *Brandenburgh's* Peace, or to the Evacuating of the Empire of those Troops of both Parties, that lie so heavy upon it; only the general Vogue is, that the Elector's Peace is made up; yet the Account that M. *Blaspiel* gives of his Letters, which the Ordinary of this Day brings him from *Paris*, is no more, but that he shall within a Day or two receive a Courier from M. *Meinders*, to inform him of all: I hope your Lordship hath by this Time directly from *Paris*, a clearer Account than this: The Princess of *Orange* is so well in Health, as not only to have quite lost her Ague, but also to see some Part or other of this Country every Day.

THIS Day her Highness was pleased to see *Nimeguen à l'incognito*; and did me the Honour to light at my House, and out of her infinite Princely Condescension, to take a poor Dinner here; and was pleased to see what Strangers do usually see as Rarities, which are not many in this Place; 'tis scarce to be imagined what Crowding and Acclamations attended her Highness every where; the *Dutch* Ambassadors, M. *Beverning* and *Haren*, waited on her Highness in all the Places she was pleased to visit; so did M. *Beverning's* Lady; and your Lordship will easily imagine, that the Burgrave and Magistrates of the Town were not wanting in their Attendance.

WE have not been able as yet to settle the Difference between M. *Oxenstiern* and the Magistrates, that had laid an Arrest upon the Bill of Exchange; only his Highness the Prince of *Orange*, out of his great Foresight and Generosity, directed that Arrest to be taken off, which was done accordingly; but there remains still another Question, which is, touching the Manner and Form of that Excuse and Recantation, which the *Swedish* Ambassadors do expect from the Magistrates. I am, &c.

*L. Jenkins.*

*Nimeguen, 23d June, 1679.*

MY LORD,

**S**INCE my last, which was of the 19th Current, I have the Favour of one from your Lordship to acknowledge.

THE Treaty of Commerce between *Sweden* and this State is like to be concluded very suddenly, in Regard that between *France* and *Brandenburgh* was finished and signed on *Thursday* last at the Court of *France*; for M. *Colbert*, as soon as he had Notice that the *Brandenburgh* Peace was signed, came strait to me, then went to the *Swedish* and *Holland* Ambassadors, and having communicated the News to us, as also that the King his Master had given him Leave to return into *France*, as soon as he himself should think fit, he made it his Desire to me, and to the other two Embassies, that the Peace between *Sweden* and this State might be made

made up and signed before he went : What the *Swedish* Ambassadors answered to this, I do not know ; but the *Dutch* told me their Answer was, that there being nothing of very great Moment in Difference between them, but only one Clause in the 7<sup>th</sup> Article of the Treaty of Commerce, whereby they insisted that the Subjects of this State should be Treated with as much Privilege, Immunity, and Favour, as any other Foreign Nation whatsoever ; they would be able to procure to themselves the last Resolution of the States upon this Point before the End of this Week, in Regard the States of *Holland* were to meet within two or three Days.

M. *Colbert* told me upon this Occasion, he would press the *Swedes* all that was possible, for I perceive that it is his Judgment they are in the wrong ; however, 'tis impossible that the signing of this Peace should be deferred, it being now the only Thing depending here, and it having been protracted thus long, only in Consideration that the Elector of *Brandenburgh* might have the better Terms in this Peace.

M. *Colbert*, in the Conversation I had with him, told me of no Particulars of the Peace, but that he expected them with the next Ordinary, only that Orders were sent to M. *de Crequi*, to cease Hostilities ; and added, that as he doubted not but that the Peace between *Sweden* and this State would be made before he should leave this Place, so he would be glad, he said, to finish the Execution of the Peace between the Emperor and the King his Master ; and to that Effect, desired me to insinuate to the *Imperialists*, that tho' he was at full Liberty to go from hence when he pleased, and that he might make himself ready to be gone in three Days ; yet he would sacrifice a whole Weeks Time to attend and settle the Execution of their Peace ; but longer he could not have Patience to stay, being resolved to go from hence within a Fortnight at furthest.

BUT the *Imperialists*, when I spoke to them of it, referred themselves to what they had said at a Conference we had had on *Saturday* Night at the Stadthouse, wherein they insisted to have *Schlechst*, one of the Ten Free Towns (so called) in *Alsatia*, evacuated of the *French* Garrison that is in it ; which M. *Colbert* could not consent to, the Right of setting Garrisons in these Ten Towns being, as he alledged, acquired to the King his Master by the Treaty of *Munster*. To this the *Imperialists* replied, that notwithstanding any Thing that *France* had acquired by the Treaty of *Munster*, it was agreed in a Treaty made at *Norimberg* in the Year 1650, for the Execution of the Peace of *Munster*, that *Hagenaw* and *Landau* (two of those Towns) should be emptied of the Garrisons that *France* had in them, therefore there was the same Reason that by this Treaty for the Execution of the Peace at *Nimeguen*, *Schlechst*, and any other of the Ten Towns that have *French* Garrisons in them, should be now evacuated.

BUT M. *Colbert* would not allow, that that Treaty of *Norimberg* should be drawn into Consequence, because it was made at a Time when *France* was in the Height of their Civil Combustions ; that his King could then deny nothing to the Empire, and easily yielded to withdraw those Garrisons, because he had need of them for the Defence of his own Person and Kingdom ; but that that Act or Consent to withdraw those Garrisons then, ought not to prejudice the Right that *France* hath to continue the Garrisons in those Towns at this Time, even after this Peace is made and executed.

THE *Imperialists* insisted much, that the Treaty of *Norimberg* was no less Binding on *France* than that of *Munster*, both being in a Manner  
but

## 616 *Letters from the Embassy at Nimeguen.*

but one and the same Peace; and that the Inference was undeniable, that if *Hagenaw* and *Landau* were then evacuated, in Execution of that Peace, *Schlechst* ought now to be evacuated in Execution of this Peace; *France* having acquired no other Right or Title over those Towns, than what it was vested with when *Hagenaw* and *Landau* were evacuated.

THIS Point was bandyed to and fro for about two Hours and half between them, but without coming any Thing nearer the one to the other; M. *Colbert* adhering to his first Declaration, that *France* would empty all Places and Countries, that were not of Right to remain to the Most Christian King by the Treaty of *Munster*, or by this of *Nimeguen*, provided that the Emperor did the same.

THE *Imperialists* having given in a List of the Places that they thought *France* is bound to empty, and having specified the Ten Towns of *Allatia* in the List, insisted to have the Evacuation fixed according to that List; there pass'd no Heats in this Conference, but it was broken up *sine die*.

THIS Morning M. *Blaspiel* was with me, to tell me, that his Letters yesterday from *Paris*, from M. *Meinders*, did not say the Peace was made, but that he had obtained a Cessation of Hostilities, and that it was either to be made, or their Treating to be broke off, that Day he writ, which was on *Thursday* last; but M. *Colbert* had had a *Postscript*, that the Peace was actually signed, which he doubted not of.

HE concluded, the Peace would be but a very ill Peace, and therefore was glad that it was made by another Hand rather than his; but was sorry, he said, it was not made under his Majesty's Mediation; that M. *Meinders* had an Article in his Instructions, to have a special Regard in all he did in *France* to his Majesty's Mediation; and another, that nothing be done to the Prejudice of the King of *Denmark*; what M. *Meinders* hath done in either of these Points, he doth not know; but that the Elector will expect a good Account of his Care touching both of them: He thought *France* would insist hard to stipulate a Neutrality as to *Sweden* from the Elector, to the end he might not be at Liberty to give any Aid directly or indirectly to *Denmark*; he, M. *Blaspiel*, does not see, he says, how M. *Meinders* can consent to such an Article, considering the Treaties that are now in Force between him and the King of *Denmark*; at leastwise that that King should be acquainted with what passes, before M. *Meinders* do conclude.

IN this Conversation, M. *Blaspiel* was pleas'd to tell me, he was sorry that M. *Lindenaw* had spoken some Things lately at Court, which might occasion his Majesty's being offended with me; he having, it seems, represented to his Majesty, that I had told the *Danish* Ministers here, that his Majesty would break with *France*, and give Assistance to *Denmark* and *Brandenburgh* in their War; the Thing surprized me exceedingly, it having never entered into my Thoughts, that his Majesty was in any such Disposition, or that it is his Majesty's Interest to become an Aggressor, or to meddle with the War in the *North* at this Time.

M. *Blaspiel* did me the Favour to own, that he did oftentimes endeavour to discover from me, (and that by Concert with M. *Heugh*) whether there were any Hopes for their Masters out of *England*; that I never gave him any Glimpse of Hopes, and that M. *Heugh* never told him, (tho' they gave one the other an Account of their Conversation with me) that I had given him any Hopes, either of a War, or of Assistance out of *England*; and yet he did not see how I should come to discourse one Thing to him, M. *Blaspiel*, and another Thing quite contrary to M. *Heugh*, in a Matter where the Interest of *Denmark* and *Brandenburgh* was

was the same, and where his Majesty, if he resolved to assist the King of *Denmark*, would not abandon the Elector of *Brandenburgh*.

IN good Truth, MY LORD, my Answer to these two Ambassadors was always of the same Tenor; that your Lordship will find it, if you please, in a Letter of mine of the 9<sup>th</sup> of this Month, that his Majesty's Counsels were altogether for Peace; and when M. *Heugh* made a Flourish of 50 Men of War, that the King of *Denmark* would have ready to joyn with his Majesty; and so when M. *Blaspiel* insinuated, that the Elector would bear up, if there were any Hopes for him out of *England*; my Answer most commonly was, that Matters of War, and all Measures about it, were Things foreign to my Commission here; and when either of them would needs suppose that *France* would fall upon *England*, I always declined speaking to any Thing that they told me, that *England* might hope or expect from Alliances Abroad, and only said, that in case *France* did attack us, his Majesty would then have a good Cause, and a gracious God, and that he had valiant Subjects, that of what Interest and Persuasion soever they otherwise were, would joyn heartily in the Defence of their Country against any Foreign Invasion.

M. *Blaspiel* was no sooner gone, but M. *Colbert* told me, that M. *Lindenaar* had been here, and was gone for *Hanover*, tho' under Pretence of going to the Waters of *Pyrmont*, to do what he could to stop the General Peace; and for that Consideration, he had refused him his Passport; then he told me of himself, that M. *Barillon* had writ to him of that which M. *Lindenaar* would have fastened upon me, that he might thereby have a Ground to ask a further Declaration from his Majesty. His Observation was, that the *Danes* had of late used all Means possible to bear up the Elector against making his Peace; and that their suggesting to the Elector's Ministers here, and every where else, that there were great Hopes out of *England*, was a principal Means they made Use of; and as for my meddling in it, he was pleased to say, he had not in the least observed in my Conduct hitherto, any such gross and ill-grounded Partiality.

WHAT the *Danish* Ministers may have writ hence, I do not know; but I most humbly beseech his Majesty to believe, that I cannot so far have forgot my Duty to his Service, and the Circumstances of my Function here, as to have talk'd of his Majesty's going into a War, (a Thing I wish from my Soul I may never live to see) without having any Ground, much less Orders for it; since I had no Orders last Summer to enter into Communications with the Allies, of his Majesty's Preparations for *Flanders*, and of his sending Troops thither, I ever then declined meddling with that Theme, or to bear the Allies in Hand, what *England* was like to do for them, as not conceiving it agreeable to my Figure or Character here: I will therefore hope, his Majesty will be pleased to believe I cannot be so absurd, as to have talk'd of a Rupture between *England* and *France*, or of Assistance to the War in the *North*, at a Time that I believe nothing of it; but, on the contrary, that all his Majesty's Counsels are tending to decline Clashings Abroad, in order the better to compose Things at Home. However, it is with the lowest Submission possible that I resign myself to his Majesty's gracious Pleasure.

THE Difference between M. *Oxenstiern* and the Magistrates, I have had the good Luck at last to compass. I am, &c.

*L. Jenkins.*

*Nimeguen, 26th June, 1679.*

MY LORD,

**I**N Obedience to what you are pleased to direct in your Letter of the 17<sup>th</sup>, (which is the last that I have from your Lordship) I took Occasion to speak with the *Swedish* Ambassadors both of them together, and yesterday I had further Discourse with M. *d'Olivenkrantz* by himself, upon the Subject Matter of M. *Wachtmeister's* Memorial, and of the Answer his Majesty had ordered to be given to it.

IN my Conversation with them both, I spoke chiefly to the Uncertainties that his Majesty must needs go upon, if he should send a Minister to mediate in the Conferences at *Schoonen*, shewing them out of the Advices we have here, that the Preliminaries of those Conferences must have been put into other Hands, and probably may have been adjusted before the giving in of that Memorial; besides, the Treaty of Peace itself must have needs began, (the 17<sup>th</sup> being the Day appointed) and it may be finished too; considering that the Elector of *Brandenburgh* hath been of a good while resolved to finish his, before a Minister from *England* could be instructed, and make ready for such a Voyage.

THEIR Answer was, that the King of *Sweden* could do no less than desire his Majesty's Interposition, for that he had found himself well with it in the Treaties here, and had Reason to rely upon his Friendship and Affection in all his Concerns; but, on the other Side, he would, they doubted not, acquiesce in those Reasons his Majesty had for his not sending his Ministers at this Time into *Schoonen*.

To this Effect was their Answer: But when M. *d'Olivenkrantz* and I took up the Matter again yesterday, he was pleased to acknowledge, that there was not so much Reason to give in a Memorial, in the Terms that this is couch'd in; that they had had no Copy of this Memorial, or of the Answer, only an Account of what had been asked, and had been refused; nor had he taken any Advice about his Memorial from Sir *John Leyenbergh*, from whom they had received a Copy of it, and of the Answer which was come to their Hands but yesterday Morning.

SIR *John Leyenbergh* says, the Memorial was clear against his Sense, and so it is against M. *d'Olivenkrantz*, especially in that Point where a Declaration in Writing, not to oppose the Passage of the *French* Succours into the *Baltick*, is desired of his Majesty; for that such a Declaration, as M. *d'Olivenkrantz* confessed, would have been to no Purpose, but to anger and vex the Allies, and give them Occasion to charge his Majesty with great Partiality; besides, those Succours are so far from being in a Forwardness to pass towards the *Baltick*, that it may be yet a Question, whether there be any such Succours preparing to come that Way. For the 2<sup>d</sup> Point, of sending into *Schoonen*, he confessed his Majesty had great Reason to have Regard to his own Reputation, in determining upon that Affair. His Reflexion upon the whole Memorial was, that it was of the penning of M. *du Croix*; he was acquainted with his Style, he said; and tho' he writes hither sometimes to M. *Oxenstiern*, with some Bitterness against the *French* Ministers, yet there is Reason to believe he hath a great Intimacy with M. *Barillon*, and that this Memorial was drawn up according to his Sense.

I am not acquainted with M. *du Croix's* Stile, but it is an Argument to me that this Memorial is of his drawing up, in Regard there is mention made in it of the Duke of *Gottorp*, whose Minister he is: I cannot think

think that it would have enter'd into the Head of a *Swedish* Minister, to mention the Duke of *Gottorp* in a Memorial conceived for the rest of it as this is; and the Mention of him is not very pertinent, but meerly in a Parenthesis, and nothing is ask'd on his Behalf.

I observed to M. *d'Olivenkrantz*, there was a clear Design of Unkindness in this Memorial; otherwise several Things might very well have been spared: I told him, it was well known how little all Princes and States do defer to the Instances of one another, where they do not at the same Time think they find their own Account; but that it was unreasonable to lay the Cause of their Rupture at our Door, for that his Majesty had quitted the Party, and was got out of the War, long before they came in to it; and certainly his Majesty's being gone out of the War, and the Reasons for which he did it, would have been very sufficient for them to alledge against their going into the War at the Time they did; nor is it to be imputed to any Thing we did in the Year 1671, that *Sweden* invaded the Elector of *Brandenburgh* in the Winter 1674; a long Time after that his Majesty had taken the General Mediation upon him, and was in perfect Neutrality with that Elector, and with all the World. This M. *d'Olivenkrantz* was pleased to acknowledge, but thought that this Memorial was conceived, as it is, because that *France* hath an Interest that *Sweden* should shew itself to be dissatisfied with the Conduct of *England*. He promised that he and his Colleague would take Occasion, in their next Letters, to do some good Offices in their Court in this Business, and make it appear, that M. *Wachtmaster* had little Reason to give in a Memorial in those Terms, and none at all to pretend to be dissatisfied with the Answer that was given him: All this touching the Memorial and M. *du Croix*, I most humbly beseech your Lordship to manage, in Regard M. *d'Olivenkrantz* was pleased to open himself to me in special Confidence.

THE Occasion that brought me to the *Dutch* Ambassadors on *Tuesday*, and brought M. *d'Olivenkrantz* to me yesterday, was principally the Difference yet depending between them upon the 7<sup>th</sup> Article of their Commerce; the States General have given Orders to their Ambassadors to insist finally, that their Subjects be treated in *Sweden*, *tanquam exis gens exera amicissima*; those are the Words they still contend for; the *Swedes* are willing it should be so, provided that the additional Duty upon Goods that pass to and fro the *Zundt*, be taken off and abolished as to their Subjects; for otherwise, say they, the *Swedes* have not the same Privilege with the *Danes* (for instance), nor with the *Hollanders*, with whom they pretend, in vertue of this Treaty, an Equality in all Things; a Ship laden with Masts (for Example) in *Sweden*, and to unlade in *Holland*, has the longer Way, and yet pays an additional Duty because it passes the *Zundt*; but a Ship that takes in the same Sort of Lading in *Norway*, pays not this Duty, and yet has a much shorter Passage into *Holland*; this is their Grievance; to which the *Dutch* answer, that notwithstanding this additional Duty, yet the *Swedes* have the same Privilege with other Nations, and with their own Subjects; for as a *Dane* pays it not coming out of a Port of *Norway*; no more do they, the *Swedes*, when they Sail out of *Gottenburgh*, or any Place else upon the Coasts of *Pomerania*, the *Elb*, or the *Wefer*; the *Swedes* do plead, that this Duty was taken off by a Treaty of Commerce in 1673; the *Dutch* reply, that this was a Treaty forced from them when this State was at its lowest Ebb; and for that Reason, they have absolutely refused to confirm that Treaty, tho' they do several others, by this now in Hand.

As the *Dutch* Ambassadors are very stiff upon this Point, the *Swedes* are so too; only the *Dutch* have written again to their Masters, to represent to them the Reasons that the *Swedes* have given in by word of Mouth, and expect an Answer the latter End of this Week.

UPON this Occasion I observed to M. *d'Olivenkrantz*, that the *Dutch* would by this Treaty be put into great Advantages beyond other Nations, and particularly beyond our *English*; and that his Majesty might expect, from the Friendship of the King of *Sweden*, to have such another Treaty of Commerce established between the two Kings, in Regard there was none now subsisting; and that I thought it was the Interest of the Crown of *Sweden* to accord such another Treaty, otherwise the *Dutch* would engross all Trade to themselves, and consequently order all the Market in *Sweden* as themselves should please.

He acknowledged to me, that it was not the Interest of *Sweden*, that all the Trade should be in the Hand of one Nation; and that he thought there would be no Difficulty to make with *England* such another Treaty as this of the *Dutch* is; but then, that this was a Thing to be Treated of Part by Part, and that *Sweden* would endeavour to find out its own Account, and to have some Recompence in *England*, for those Advantages that *Sweden* might afford to the *English*; that he was in Expectation every Day of Orders to return into *England*, where he should be ready to enter into Negotiation about our Commerce.

I take Leave to inclose to your Lordship several Papers, touching the wrangling that M. *Oxenstiern* hath lately had in this Town, about an Arrest upon his Letters of Exchange, and indeed (tho' underhand) upon all his Goods; the Reparation he hath from the Town depending upon what hath pass'd through my Hands, and being to remain as of Record with me. Here goes inclosed likewise an Instrument that M. *Colbert* put into my Hands some Days ago, whereby the King his Master declared, that he did comprehend the Duke of *Hanover* in his Treaty with the Empire: This Instrument I was desired to offer to the *Imperial* Ambassadors, but they excused themselves from receiving it, saying, that that Duke being a Prince of the Empire, and consequently a Party principal with the Emperor himself in the Treaty, could not be included without much Impropriety; all Inclusion or Comprehension being intended for Friends and Allies, and not for those that are Parties to the Treaty; but when they should come to execute the Peace, they would give in a List of such as they desired might be included on the Emperor and the Empire's Part, and then they would name the Electors, Princes, and States of the Empire in general, as comprehended and included, in the Head of their List; and thus the Business rests; nor do I hear any more from either Side about the great Point of evacuating the Empire.

THE Point of the Elector of *Brandenburgh's* Peace is not so perfect as was expected it should have been, by the Letters that came in last Night. M. *Blaspiel* shew'd me his from M. *Meinders*, written on *Sunday*; the Peace was not, he said, then signed, (some small Matters being then unadjusted) but was certain, and upon the Point of signing; I suppose he meant the fair Copy, for there was something signed, as M. *Pompene* writ to M. *Colbert*, on this Day sevensnight. M. *Blaspiel* says, he hath none of the Articles sent him till the next; in M. *Meinders* Letter it was, that the Elector parts with *Stetin*, and hath the Country on the other Side the *Oder*, excepting *Dam* and *Golnow*; but this last Place the Elector is to keep in his Hands, till the *Swedes* do pay him 50,000 Crowns; the Elector is now to have all the Toll at *Culburgh*, before he had but half of it; *Wesel* and *Lipstadt* are to continue in the Hands



Hands of the *French*, till the Peace be not only ratified, but fully executed, by restoring *Sweden* into peaceable Possession of all the Elector hath taken from it; and the *French* are to continue 1000 Horse in the Elector's Countries in *Westphalia*, till the *Swedes* be put into Possession.

I did not hear of any Thing agreed for the easing of the Countries, or limiting the Contributions; the Elector is not to assist the King of *Denmark* directly or indirectly: I cannot call to Mind any Thing else that I heard out of M. *Meinders* Letter, but that he wish'd this Peace had been made at *Nimeguen*, ('tis so ill a one) and that he had had no Hand in it. M. *Blaspiel* enjoyn'd me great Secrecy in this Matter, he having not communicated with M. *Colbert* upon it as yet, and having refused to communicate to any body else, as he said, till he do receive a Copy of the Treaty: M. *Pomponne* sent away the Treaty by Express, on Sunday Night to *Hamburg*, and so to M. *de Feuquieres* in *Schoonen*: M. *Meinders* sent his Part to the Elector by the same Conveyance as far as *Hamburg*; the Ratifications are to be exchanged here as formerly, within 15 Days: M. *Blaspiel* is much mortified at the Treaty, but not sorry that he hath had no Hand in it: He did not tell me what the Sum of Money is that *France* gives, but believes 'tis no more than what M. *Colbert* was enabled to agree to, which was 300,000 Crowns. M. *Blaspiel* thinks, that if the Peace had been left to M. *Colbert* and him, they would have ordered it better, especially in Ease of the *Brandenburgh* Subjects. I am, &c.

*L. Jenkins.*

*Nimeguen, 30th June, 1679*

MY LORD,

SINCE my last, which was of the 26th, I have none from your Lordship to acknowledge, our *English* Letters of *Tuesday* being not yet come to Hand.

LAST Night M. *Heugh* and *Blaspiel* did favour me severally with a Communication of the Treaty of *Brandenburgh*, a Copy whereof goes herewith inclosed. Your Lordship will find the main Points in it, as in my last; I mean, that *Sweden* is to quit to the Elector all on the further Side of the *Oder*, *Dam* and *Golnaw* excepted; this last to remain as a Mortgage in the Elector's Hands, till *Sweden* do pay him 50,000 Crowns. *Sweden* is to quit likewise the Moiety of the Toll it had on the Coasts, and in the Ports of the Electoral *Pomerania*; *Lipstadt* and *Wesel* are to remain in the Hands of the *French*, and 1000 *French* Horse are to lie in the Elector's Countries, till *Sweden* be restored. The Most Christian King is Guarand that *Sweden* shall execute this Treaty, which he will ratify within one Month, or sooner; the King of *Sweden* hath three Months to do it in, but he may, if he please, do it sooner; and the Elector is to continue in Possession of all he hath got in *Pomerania*, till *Sweden* do ratifie.

THERE are two separate Articles, the one, that *France* shall pay the Elector 300,000 Crowns in two Years; the other, that whereas the Dukes of *Lunenburgh* had given their Guaranty to the Dukes of *Mecklenburgh*, and some other Neighbour Princes and States, that they should not be bound to submit to Winter-Quarters, and other Assignations that the Emperor had given to the King of *Denmark* and the Elector of *Brandenburgh* upon those Princes and Cities; and whereas the Most Christian King, in the Treaty lately made at *Zell*, had taken upon himself to make



make good the Guaranty that the House of *Lunenburgh* had so given; now he will make an amicable End between the Elector and those Princes and Cities, as to those Pretensions the Elector hath of Quarters and Assignations upon them: This is the Substance of what seems to be most essential in this Treaty.

BOTH M. *Heugh* and M. *Blaspiel* told me, that the *Swedish* Ministers now at the Court of *France*, had been denied a Copy of this Treaty; and that M. *Colbert* had had no Copy sent him hither by yesterday's Ordinary, that he might not be obliged to have any Communication upon it with the *Swedish* Ambassadors here: What that should mean, I do not know; but it seems to me probable, that *Sweden* will have a great Difficulty to ratify this Treaty; I will not say so much for the Value of the Things they are made to part with, as for the Form and Stile wherein the Treaty is conceived; it being the same in a Manner (as M. *Heugh* and *Blaspiel* tell me) with that of the Treaty of *Zell*, which the *Swedes* have not yet been able to bring themselves to ratify; labouring, as they do, to bring that Business about by a new Treaty; not that I have heard the *Swedish* Ambassadors speak much against the Cessions therein made in Favour of the House of *Lunenburgh*, but against the Manner their King is made to enter into the Treaty.

THE Moiety of the Toll that *Sweden* is to part with, amounts but to 5000 Crowns a Year, as M. *Blaspiel* values it: The List of Ground upon the *Oder*-Side, that *Sweden* is to quit, is considerable in the Extent; 'tis 25 Leagues in length, and in some Places 4, in other 3, and 2 Leagues in breadth; but of the Value, I do not hear any Estimate made by the Ministers on either Side.

M. *Blaspiel* told me, the Cessation of Hostilities is published in the *French* and Electoral Armies; and that M. *Spaen* had already visited M. *Crequi* in his Quarters; but that he doubted, the *French* were already in their March towards the King of *Denmark's* Countries of *Oldenburgh* and *Delmenhorst*, and would be Masters of them without Opposition.

M. *Heugh* believes it more probably, that the Peace of *Denmark* will be made by M. *Meyercroon* at the Court of *France*, rather than in *Schoonen*: from which Assembly, he doth not, he says, promise himself much Success, because of the present Aversion and Heat that his Nation and the *Swedes* are in each against other.

THE *Imperial* Ambassadors were with me on *Friday*, to desire my Offices, upon the List that goes herewith inclosed, of such of the Emperor's Allies, that desire to be comprehended in the Treaty of the Empire. M. *Colbert* excused himself from receiving it, since the King his Master would give no List on his Side, by Reason of the Embarrass that would be about the Rank and Places of several Princes and States in such a List: He alledged the Example of the Treaty of *Munster*, in which there is no such List to be found; and tho' there be a List of Allies in that of *Osnaburgh*, that of *Munster*, whereto the King his Master was a Party, was the Precedent he was to go by, and not that of *Osnaburgh*, where *Sweden*, and not *France*, was the Party contracting with the Emperor.

THAT which he offered to do was, that the King his Master should give separate Acts or Instruments, (such as I sent your Lordship by the last, for comprehending the Duke of *Hanover*) whereby each Prince and State, that should desire to be included on the Part of *France*, should be declared to be so; and that Instrument to be afterwards insinuated to the Emperor's Ambassador here, or to his Ministers at *Vienna*; that thus all Allies might be satisfied, and yet the Embarrass avoided.

I am apt to think, the *Imperialists* will give into this Way ; however, his Majesty does not enter at all into this Question, for he is included by both Parties, as Mediator, in an Article by himself.

ANOTHER Thing the *Imperial* Ambassadors gave me in Commission towards M. *Colbert* was, to desire his Answer upon a List they had given in by my Hands about a Month ago, of several Places that *France* was to evacuate and restore ; among which are named, the free Towns of *Alsatia*, and other Places and *Fiefs*, moving from the three Bishopricks of *Metz*, *Toul*, and *Verdun* ; in all which, *France* pretends to have acquired such a Right by the Treaty of *Munster*, that the *Imperialists* have no Colour (as M. *Colbert* says) to summon the *French* to empty or restore them.

M. *Colbert*'s Answer was, that he adhered to the Answer he had formerly given ; and that he was not instructed to give any other, desiring the *Imperialists* might be summoned to name their Days on which the Emperor's Troops should enter into the Hereditary Countries ; which being once fixt, he would undertake the *French* Troops should enter into the Territories of *France*, and all Places and Countries should be emptied of them, excepting those Places that are to remain to the Most Christian King, either by the Treaty of *Munster*, or by this of *Nimeguen*.

M. *Colbert* told me, he kept himself within the Bounds of this general Answer, because he saw the *Imperialists* lay at a Catch of something that might make a Noise in the Empire, as the Question about several Places the *Imperialists* had named in their List would do ; that in the Interim, his Offer was full and clear as to the evacuating of the Peace on the Part of *France* ; that he had written to the King his Master, that it was not to be expected the *Imperialists* would ever come to any Issue, as to the main Points of evacuating the Places, that that must be left to the Commanders in Chief of each Side ; to which he hath yesterday (as M. *Heugh* and *Blaspiel* tell me out of his own Mouth) received the Answer of his King, that he shall not need to attend this Business of the Execution of the Peace ; that he may return into *France* ; but that the *French* Troops had Orders to quarter in the Empire, till the *Imperial* Troops were marched into the Hereditary Countries.

BUT that in which the *Imperial* Ambassadors had the most earnest Desire to have an Answer from M. *Colbert* was, whether the *French* would void the 8 Posts they have reserved to themselves in *Cologne* and *Juliers*, now the Peace of *Brandenburgh* is made, as soon as the Ratifications of it are exchanged, for so the Treaty of the Empire bears ; to this M. *Colbert* answered no more, but that he did not know, when that Exchange was to be made ; that he had no Instruction in the Point ; but that he was sure his King would execute his Treaty *de bonne foy*.

I know not whether those 8 Points will be voided till the Peace of *Brandenburgh* be executed, as well as ratified, and till the *Imperial* Troops have left the Empire. It is plain, that *Lipstadt* and *Wesel* were, by the Treaty of *Santen*, to be restored, as soon as the Ratifications of the Peace of *Brandenburgh* should be exchanged ; they are not by the Peace of the Elector of *Brandenburgh*, now made at *St. Germain*, to be restored till the same be executed.

JUST as I am closing, M. *Heugh* calls upon me, and tells me, the first Days of the Conferences at *Schoonen* were spent in disputing of a Preliminary. The *Danes*, it seems, came upon the Place with the Title only of *Commissaires*, *Plenipotentiaires* ; having notified their Arrival to M. *de Feuquieres*, he sent them a Complement, but took no Hour, as they expect-

expected he should have done, being first come upon the Place, in Order to give them the first Visit; for an Expedient, the *Danes* were forced to procure for themselves Powers with the Quality of *Ambassadors*, and upon that Condition the first Visit was given them.

As for the Demands of the *Swedens*, he says, they are higher than ever they were here at *Nimeguen*, or in *France*; therefore that his King hath, by the Ordinary of this Day, sent him Orders to desire M. *Colbert* to write to M. *de Crequi*, not to push so hard towards *Oldenburgh* and *Delmenhorst*, for that he is making all the Hast he can towards his Peace, and to give a Passport in *blanc*, for a Minister that the King of *Denmark* is desirous to send with all Speed to joyn M. *Meyercroon* in *France*; M. *Heugh* does think himself will be the Man: So that your Lordship sees this Congress is very near breaking up of itself, M. *Colbert* having, as he told M. *Heugh* just now, refused the Nuncio's Auditor, (who would have set up some Negotiation between him and the *Imperialists* again on Foot, touching the Execution of the Treaty of the Empire) telling him, he would not write to Court, nor entangle himself any further with the *Imperialists* upon that Subject.

M. *Colbert* hath received an Express, with the Ratifications of the Treaty of *Brandenburgh*; and M. *Blaspiel* sends an Express this Day for *Berlin*, to hasten the Ratifications on that Side. I am, &c.

L. Jenkins.

*Nimeguen, 3<sup>d</sup> July, 1679.*

MY LORD,

SINCE my last, which was of the 30<sup>th</sup> past, we have nothing here that is worth your Notice.

M. *d'Olivenkrantz* did on *Tuesday* speak himself much dissatisfied, that M. *Colbert* had not given him any Communication of the Treaty of *Brandenburgh*; M. *Bielk*, the *Swedish* Minister at *Paris*, hath, he saith, the same Dissatisfaction from the Ministers there, having been put off by M. *Pomponne*, that he could not speak with him in a Day or two after the Treaty was signed; that Ambassador offered, that if the pawning of *Golnaw* to the Elector for 50,000 Crowns, might be left out of the Treaty, he would answer that Sum upon his own private Account. M. *Bielk* is said to give out confidently at *Paris*, that *Sweden* will never ratifie that Treaty. The Letter that his Majesty was pleased to write to the Duke of *Newburgh*, I delivered yesterday into the Hands of M. *Caspars*, one of the Duke's Envoys in this Place; he charged himself to send it carefully by the first Conveyance to the Duke his Master, who is like to continue his Residence at *Newburgh*, leaving the Dutchie of *Fuliers* and *Bergueland* to the Prince his Eldest Son. It was the Observation of that Envoy, that that Match of the Prince with the Arch-Dutche's, is more unpardonable in the Court of *France*, than the Marriage of the Empress; and for that Reason, their Country is still loaded with *French* Troops and Exactions, when all other Countries that are comprized in the Peace of the Empire, as the Duke of *Newburgh's* Estates are, have Ease given them; the Minister does extreamly blame the *Imperialists* for not doing their Part in evacuating the Empire. I had a Conference this Morning with M. *Colbert* upon that Subject; he is positive in his former Answer, and says, he hath writ to Court, that it would be but Reason to demand of the *Imperialists*, a Renanciati<sup>on</sup> of all their Pretensions over the Towns in *Aljatia*, and the other Places that

that they now bring into Question, before the *French* Troops be withdrawn out of the Empire. But he hopes, he says, to exchange the Ratifications with the Ambassador of *Brandenburg*, and then to be gone for *France*, leaving the *Imperialists* as now they are, without doing any Thing in order to execute the Peace.

BLESSED be our good GOD, who hath given that Success, which the Ordinary of this Day acquaints us with, to his Majesty's Arms in *Scotland*; it is certainly a most seasonable Mercy; the *Dutch* Ambassadors, as soon as they had the News, did congratulate with me very much upon it. I am, &c.

*L. Jenkins.*

*Niméguen, 7th July, 1679.*

MY LORD,

MY last was of the 3<sup>d</sup> Instant: On *Friday* the *Danish* Ambassador *M. Heugh*, upon the receiving of Letters from the King his Master, forthwith to repair to him, went hence in all Hast: It is, as he told me, (for he was pleased to bid me Adieu himself, tho' he did it to the *Imperialists* and other Ambassadors by a Gentleman after he was gone) to receive Instructions for the Court of *France*, whither he is to go as soon as he returns hither back again from *Holstein*, which he made Account may be this Day sevensnight at furthest. In the mean time, his Family were pack up, and prepare for that Journey. The *French*, he told me, had summoned the Countries of *Oldenburg* and *Delmenhorst*, demanding of them most excessive Contributions; the Letters that come in since advise, that some Partics of the *French* are already in Possession of the Country; neither he nor *M. Petcum* had any further Account to give, as they told me, of the Conferences in *Schoonen*, than what I gave your Lordship an Account of in my last save one.

*M. Blaspiel* acquainted me last Night, that the Ratifications were come from *Berlin*, but it happens that they are only for the Treaty in general, and that there are no Ratifications come for the two separate Articles. This *M. Colbert* looks upon as a Disappointment, for he intended to be gone, and his Domesticks do still give out he will be gone on *Thursday* next. I have not yet spoke with him about it, but *M. Blaspiel* tells me, he will not be gone till the Ratifications of the separate Articles do come to Hand; which, 'tis hoped, they may by the Ordinary of this Day: However, *M. Blaspiel*, when he saw that *M. Colbert* stuck upon it, and would not exchange till all was compleat, did dispatch an Express yesterday to the Elector his Master, forthwith to send away the Ratifications that are yet behind, inasmuch as the discharging of his Countries of the *French* Troops depends upon it; it being not to be hoped that *M. Crequi* will stir, till he be certified hence that the Ratifications are exchanged; nor will *M. Colbert* do it, till the Ratifications of the separate Articles be come, which cannot be in less than 10 Days Time, if the Elector's Council do not think of it before the Express that was dispatch'd yesterday do arrive, and advertise them of it.

THE *French*, as *M. Blaspiel* and others have told me, have possessed themselves of *Dortmonde*, a little Free *Imperial* Town in *Westphalia*, in the middle of the County of *Mark*; when the *French* pass'd by that Way towards *Minden*, they were so fair, as not only to forbid all Ravages and Quarterings upon that Town and its Dependencies, but also to have the Bounds and Limits of it set out, and made notorious, by

Posts erected, to the End that none might presume to pass beyond those Marks, and to disturb the Inhabitants, which makes the possessing of it now, to be more than ordinary Surprize to the whole Country.

M. *Blaspiel* is advised by the last Letters from *Ratisbone*, that the *Imperial* Party there are moving to have the Emperor's Troops continue a while longer in the Empire; if they do, 'tis most certain the *French* will not stir out of it; and 'tis probable, that it is in that View that M. *Colbert* hath the King his Master's Permission again repeated to him, that he may return to *France* as soon as he pleaseth, without expecting any longer the *Imperial* Ambassadors to come to any Issue about evacuating of the Empire.

AND yet the *Imperialists* were with me last Night very late, and discoursed to me afresh the great Readiness they were in to name a Day, and it should be the 10th of *August*, (if M. *Colbert* so pleased) by which the Emperor's Troops should be actually entering into the Hereditary Countries, provided the *French* Troops did enter at the same Time within the Territories of *France*; this, they said, may be adjusted in a Day or two, and that before M. *Colbert* went away; they did not desire me to pass any Office upon this Discourse of theirs, but told me, they would send me a Project to this Effect in Writing, which, according to some Advices they had, M. *Colbert* will not fail to give in to.

I do not deny but this may be, yet the last Time I had Conference with M. *Colbert* upon this Subject, I found him very unwilling to enter into any further Negotiations with the *Imperialists*, he supposing they would but trifle with him; and the Letters he received yesterday, it seems, do confirm to him the Leave he hath to break off here, without further attending on that Business.

ON *Saturday* the Baron *de Platen*, Envoy and Plenipotentiary here from the Prince of *Osnaburgh*, was to take his Leave of me; I perceive he is not satisfied with the Ministers at *Vienna*, who have not furthered his Master's Pretensions, as he hoped they might, and would have done there, in order to be brought to Effect here, or at leastwise in the Dyct at *Ratisbon*; and he spoke of it as a Thing that would give the whole House of *Lunenburgh* Occasion to shew their Resentments, whenever the House of *Austria* should have need of them. He assured me, the Prince his Master has a very deep Sense of his Majesty's Favour and Affection to him.

JUST as I am closing, and the Post going away, M. *Colbert* comes and reads over to me the King his Master's Letter to him, that he received yesterday, giving him not only Leave, but Orders to withdraw hence, and leave the Execution of the Peace of the Empire to the Generals of the Armies on both Sides. He tells me, that having let the *Imperial* Ambassadors yesterday know this, they had resolved to give in immediately to M. *Colbert*'s own Terms, as to the Evacuation of the Empire of the Troops on both Sides. He told me further, that having found the *Imperialists* would come to his Terms, and having declared to them the Agreement must be fixed this Day, or not at all; he was come to acquaint me, that he had consented the Agreement should be signed by each Embassy at their own Houses, without the Solemnity of coming to a Meeting, whereas I should assist at the Stadthouse; because if they did, he found the *Imperialists* would make the same Difficulty of not allowing me the same Column to sign, in case I should insist upon it, and demand to sign with them; therefore that he, M. *Colbert*, was come to ask me, whether I would not approve of the Expedient, declar-

ing himself, for his Part, very desirous that his Majesty might have all Satisfaction in the Point of the first Column.

To this my Answer was, that I would not enter into any Expedient in this Case; but that since it was so resolved between themselves, all I had to say was, to desire to know of him, what Account I should give of this to the King my Master; telling him, that he best knew upon what Ground the Pretensions that his Majesty had for a first Column to his Ministers were founded; 1. Upon a Concert with the Most Christian King, to give in all Things the *Place of Honour* to the Mediators at *Cologn*, and afterwards upon his (M. *Colbert's*) own Instances, and those of his Collegues, as well as upon his Majesty's Directions; that my Collegues and I had constantly stood upon it, to have the first Visits and the *Place of Honour* upon all Occasions in this Congress, before the *Imperialists*; and consequently, to have the first Column at the signing of their Treaty; and therefore I was to give an Account of every Step that was made of this kind to his Majesty. He told me, he would have been very glad if the *Imperialists* had, at the signing of their Treaty, given that Satisfaction to his Majesty, which he and his Collegues were ready to give; but that here, he said, the Case was not the same, this being not a Treaty, but an Act, or a Declaration, directing how the Treaty was to be executed; and to shew that it was no Treaty, and consequently not an Instrument in which a Mediator might pretend a first Place or Column, that therefore he had declared to the *Imperialists*, that they were to expect no Ratifications from the King his Master upon this Act; when he said this, he acknowledged, with a great many Expressions, his Majesty's Care and Zeal, and the Pains of his Ministers in this Assembly.

UPON this I thought it beneath the Dignity of that Character I have the Honour to serve in, to offer to intervene at the passing of this Act; since my Collegues and myself did not intervene at the more solemn one of signing the Treaty itself. I am, &c.

*L. Jenkins.*

*Nimeguen, 10th July, 1679.*

MY LORD,

IN the close of my last, which was of the 7th, (since which I have not the Favour of any from your Lordship) I gave you an Account of what M. *Colbert* told me had been agreed between the *Imperial* Ambassadors and himself, touching an Act to be signed by them, at their several Houses, for the evacuating of the Empire, and other Points relating to the Execution of the Treaty; I acquainted your Lordship also with the Arguments that M. *Colbert* had used to me, to shew that that Act or Agreement did not amount to a Treaty, and consequently that it was not a Thing wherein I was to sign in the first Column: I heard no more since of that Agreement, but that it was signed some time on Monday Night; only the Secretary of the *Imperial* Embassy came to me that Evening, and told me, the Ambassadors had sent me the *Formulary* for the executing of the Treaty between the Empire and *France*; I told him, that having had no Hand in the making it up, I desired to be excused from taking Part of such kind of Communications, that were offered me after that Agreement was made; and saying no more, I dismissed him.

THE Reason why I did this was, that having compared with myself what the *Imperialists* had said to me on *Sunday* Night, with what M. *Colbert* had said to me likewise the next Day, concerning this Agreement; I perceived this Agreement had been made before they, the *Imperialists*, spoke to me of it on *Sunday* Night; and that the Discourse they held with me then, as if they should have need of my Offices to perfect the Act, and the Agreement between them and M. *Colbert*, was only to false Appearances; but that the Intention was, to decline the making Use of my Offices at the Stadthouse, and consequently to avoid clashing with me about the first Column. I must confess, I look upon this explanatory Act, or Agreement, to be of a Nature so different from the Treaty itself, that had we met in the Stadthouse to finish it, I should not (as I stand now informed) have desired to sign it, since my Collegues and I had not signed the main Treaty: However, since there was no Meeting at the Stadthouse, and the Thing never came into Question, I thought it safest for me to refuse the Communication which the *Imperialists* offered to fasten upon me, to the End that they might have no Colour to say I acquiesced in their Expedient, which was, to sign at their several Houses, and not come at all to the Stadthouse.

THIS Forenoon M. *Colbert* came to my House, and after a Preface very full of Respect to his Majesty, for his infinite Care and Zeal in bringing the General Peace about by his glorious Mediation, (so he expressed it) and concluding with a favourable Mention of the Pains taken by me, as his Majesty's Minister here, he took out two little Cases, wherein he said were the Picture of his King, and opening them, each of them appeared a very rich *Jewel of Diamonds, Rose and Crown-wise*, telling me, he had it in Charge from the King his Master, to consign the one into my Hands for Sir *W. Temple*, his Majesty's Ambassador now absent; and to deliver me the other for myself, as a Mark of the King his Master's Esteem for me, as he was pleased to express it.

MY Answer was full of Respect to his Most Christian Majesty, and of the Acknowledgments that were due to his descending so low as to think of me; that I looked upon the Present as an infinite Honour intended me; but that I desired to be excused from receiving it, contenting myself with the Honour of being thought worthy of it by so great a King. M. *Colbert* replied upon me with all Civility; and I defended myself from receiving his Present the best I was able. When he saw I was in earnest, he used many Arguments, particularly the common Usage of all Kings, most especially of the King our Master, to give Presents to Ambassadors; the Practice in all other Treaties of a General Peace as this is, and the Example of the Pope's Nuncio here, who, tho' a Churchman of great Rank, had accepted the King his Master's Present. To this I answered as well as I could, expressing a Respect to all those Usages; and that I was far from presuming to conclude that I was in the Right, because I had some little Scruples of my own, that I did not know how otherwise to satisfy, but by with-holding my Hands from so great a Present, which I had no Pretence to deserve; then he told me, that certainly the King his Master would be greatly offended with the Refusal I made; still I excused myself, by representing to him, I was too low an Object for the Displeasure of so great a King. When he saw I would not take the Jewel, he told me, it was a very great Mortification to him in particular, to see his Master's Present refused; that he would write to M. *Barillon*, to complain of me; and that he doubted not but that upon his Motion, his Majesty would be pleased to lay his strict Command upon me to receive the Present. To this I answered, that I should



should have a perfect Obedience for his Majesty in all Things, but that I hoped his Majesty, who best knew how little worthy I was of so great an Honour, would judge it Honour great enough for me, that I had such a Present offered me, without my presuming to take it. At last he put up the Case that was superscrib'd to me, and said, he would send it to M. *d'Avaux* at the *Hague*, to remain in his Hands, (because he must be gone from hence before an Answer from M. *Barillon* could come) to the End it may be there ready, when his Majesty's Injunction should be laid upon me to receive it.

THIS being over, he asked me, whether I would suffer myself to be charged with the Present that his Master had designed for Sir *W. Temple*, and had ordered him to put into my Hands. I desired he would be pleased to send that likewise to M. *d'Avaux*, rather than charge me with it; the Journey I was to carry it in, being not without Risque: He said, he would not charge himself with it any further; adding, his Orders were, to consign it and leave it in my Hands; and as he thought I could not take upon me to give any Answer for Sir *W. Temple* upon such an Offer; so he was confident, he said, I would not refuse to charge myself in carrying this Present (which was addressed in these Words, *Pour Monsieur Temple*) so far, since the Most Christian King had ordered it to be put into my Hands. When I saw he was resolved to leave me this Present, to be delivered to Sir *W. Temple*, I told him I would acquaint Sir *W. Temple* by this Night's Post, with what he had put into my Hands for his Use; and would give him an Account of Sir *W. Temple's* Answer, whether he, M. *Colbert*, were here or at *Paris*. Thus this Conversation pass'd between M. *Colbert* and myself, he going away very much dissatisfied, and telling me plainly enough, he would not see me, nor receive my Adieu upon his going away.

UPON the whole Matter, my most humble Petition to his Majesty is, that notwithstanding any Thing that M. *Barillon* shall say, he would be pleased not to lay his Commands upon me to receive this Present, which (it seems) is to be put into M. *d'Avaux's* Hands. I humbly beg your Lordship to use all the Intercession possible towards his Majesty to that Effect.

As I did not say any Thing to M. *Colbert*, so I will not presume to allege any Thing to your Lordship against the general Practice: I will only take Leave to say, that whatever hath been allowed to Ambassadors in the Matter of receiving Presents, at the Courts where they had resided, my Case in this Place is far distant; my Instructions being to carry myself with a perfect Impartiality towards all Sides, which renders me as incapable of receiving Presents from either Party, as a Judge, or an Arbitrator, for giving a just Sentence. Another Thing there is, that I most humbly desire may be fully represented to his Majesty, it is, that there hath not, in my poor Opinion, that Respect and Deference been paid to his Majesty's Mediation, as was due to it, and that his Figure in this Assembly might most justly challenge. I will not charge the Ministers of *France*, nor those of any other Nation, further at this Time, than to observe to your Lordship, that the Peace of *Holland*, and that of *Spain*, hath been made without the Intervention of his Majesty's Ambassadors here; that tho' the Peace of the Empire was made under his Majesty's Mediation, yet the first Column at the signing was refused to his Ambassadors; that the Peace of the *North* is not made here, but in *France*; that his Majesty hath interposed many Offices on that Side, and directed the same to be done in this Place for the Prince Elector *Palatine*, the Dukes of *Newburgh*, *Lorain*, and *Deuxponts*, and many more, in Cases



Cases of great Justice and Equity, but without the least Success; these Things thus passed, were Occasions of a very deep and frequent Mortification to me: And if it be true, (as I take it to be undoubted) that when Ambassadors do excuse themselves from receiving Presents, because of some Dissatisfaction they meet with in the Courts where the Presents are offered them, I hope his Majesty will dispense with me, and not enjoin me to take any Present from the *French* Ambassadors, or any other in this Place; for it is my humble Opinion, that there hath not been Right done to his Majesty in his Figure of Mediator; and that I cannot receive any Present, but my so doing will imply, that his Majesty is satisfied with the Regard had to his Mediation here; but that his Majesty is not so satisfied, appears by several Occasions he hath taken to declare, that he hath had several Causes of just Resentment given him, but that he had sacrificed them all to his Zeal for the Peace of *Christendom*. So that I most humbly beseech your Lordship to intercede for me, that I may not be obliged, by any Order or Command from his Majesty, to receive this Present, but that I be left to my own Liberty; yet so, that what I do, may not in the least restrain my Collegues in their Liberty to do otherwise: I have served here much longer than they have done, and therefore have greater Obligations upon me to this Strictness; nor should I desire this, but that I think it most suitable to the Dignity of the Character I have the Honour to serve in: At least, I hope that my refusing this Present cannot be in any wise to his Majesty's Disservice. I am, &c.

*L. Jenkins.*

*Nimeguen, 14th July, 1679.*

MY LORD;

THE Ratifications of two separate Articles from the Court of *Berlin*, being at last come to Hand, those, as well as that for the main Treaty, were exchanged between *M. Colbert* and *M. Blaspiel*, on *Saturday* Morning; this was no sooner done, but *M. Blaspiel* came and enter'd his Protestation with me, (that is, left one in Writing upon my Table, desiring it might remain among the Acts of Mediation) whereby he declares, that as to one of the separate Articles, the Elector his Master did accept of the Offices therein stipulated of the Most Christian King, but did not intend, by the Mention therein made of a Treaty of the 5th of *February* last between *France* and the Dukes of *Lunenburg Zell*, to approve or acquiesce in the Particulars of that Treaty, (as there are several Things) contrary to the Right and Interests of the Emperor and Empire, of the King of *Denmark*, and of the Elector himself.

*M. Blaspiel* took this Occasion to tell me, that it is taken extreamly amiss by the Elector in *M. Meinders*, that he had not taken Care to have an express Mention made, with due Respect, of his Majesty's Mediation, in the Preface to the Treaty he made with *M. Pomponne*; but that *M. Meinders* Excuse was, that he durst not so much as propose a Variation in any Thing from the Project that *M. Pomponne* had laid before him, which did not essentially concern the Interests of the Elector.

BESIDES this which relates to his Majesty in the Preface, there are several other Oversights that are, says he, charged upon *M. Meinders*, in the Treaty itself, particularly in the 3d and 13th Articles, as well as in the separate ones touching the *Zell* Treaty, and the Sum of Money to be paid by *France*. I owe that Testimony to *M. Blaspiel*, that he hath

at this and several other Times, expressed a great Regret, that the Elector his Master's Treaty hath not been made here under his Majesty's Mediation, knowing, he says, very well, that his Majesty had been pleased to command me back again from the *Hague* hither, principally, if not solely, to attend the carrying on of the Elector's Treaty; which his Majesty expected should have come on and be finished in this Place.

These Ratifications being thus exchanged, M. Colbert made no long Stay here; for he left this Place last Night about Midnight, intending to take a Turn into *Holland*, and then to take the Way of *Brussels* for *France*. I take Leave to send your Lordship a Copy of M. Blaspiel's Protestation, and also the Acts whereby the *Swedish* Ambassadors desire to comprehend the Allies on their Part, in their Treaty with the Empire; they are obliged to make a separate Act, to comprehend the Grand Duke of *Muscovy*, with the Title of *Czarish* Majesty; that Emperor, among other Causes he gave for his entering into a War against *Sweden*, in the last King of *Sweden*'s Time, gave that also, of their not having treated him with the Style of *Czarish* Majesty, but only of *Great Duke*, when *Sweden* comprehended him in the Treaty of *Osnaburgh* in 1648. I am, &c.

*L. Jenkins.*

To Sir Leoline Jenkins.

CHARLES R.

TRUSTY and well-beloved, We greet you well. Having thought fit, upon Consideration of the present State of the Affairs of *Europe*, to recal you from *Nimeguen*, and to determine your Commission as Our Ambassador Extraordinary, Mediator, and Plenipotentiary there; In which, as you have served Us to Our entire Satisfaction, so We cannot but give you this Testimony of Our gracious Acceptance and Approbation of your Services during your said Ministry. We do hereby give you this Knowledge of it, and accordingly direct you, upon Receipt hereof, to prepare for your Return Home, with your Family and Equipage, with what convenient Speed may be; and so We bid you farewell. Given at our Court at *Windser*, the 11<sup>th</sup> Day of *July*, 1679, and in the 31<sup>st</sup> Year of Our Reign.

*By His Majesty's Command,*

Sunderland.

*Nimeguen, 17<sup>th</sup> July, 1679.*

MY LORD,

JUST as I am going to address myself to your Lordship, according to the Obligation of the Day, I have the infinite Honour of his Majesty's most gracious Letter of the 11<sup>th</sup> of this Month from *Windser*, for revoking me from this Place; which, as I do receive with all the Veneration and Dutifulness possible, so I do it with an extream Joy; since his Majesty is pleased to give therein a Testimony of his Royal Goodness, in accepting of my weak Endeavours to serve him in this Negotiation. I shall make what Hast I can to remove from this Place, having

## 632 *Letters from the Embassy at Nimeguer.*

having not presumed to make any Shew of preparing for it, but thinking it my Duty rather to wait for some Intimation first of his Majesty's Pleasure.

ALL the Publick Business that I have now in my Hands, is a Declaration that I am desired to draw up for both the Kings of *Spain* and *Sweden*, to publish in their respective Countries, for the re-establishing of the Peace between them: This, I hope, will prove an effectual Expedient, since each King will be left to use his own Language; and that the Declaration is to be of the same Tenor, and to be published the same Day at *Madrid*, *Stockholm*, and *Brussels*.

THIS Expedient each Side gave in to the more readily, when I had shewed them that his Majesty, upon his most happy Restauration, had taken that Course to renew the Peace between the Two Crowns of *England* and *Spain*, after its having been disturbed and broken by the Usurper; there having been a Declaration published the same Day at *London* and *Madrid*, purporting, that the ancient Peace between the Two Crowns was again restored, and to remain entire, notwithstanding the Interruption it had received.

WHAT Time the Peace between *Sweden* and the States General will be concluded, I do not yet hear; M. *Beverning* telling me, he hath not yet the Orders of his Masters what to do in it, tho' he hath some Glimpse, that they will go near to yield the Point in Controversy; that is, they will abolish the additional Impost upon Goods that pass the *Zundt*: If I do find that any further Offices are desired by the *Swedish* or *Dutch* Ambassadors, in relation to this Peace, or else to that with *Spain*, I shall humbly take Leave to suppose it agreeable to his Majesty's Intentions, that I remain here some few Days longer; to put a Conclusion to either, or both those Peaces; but if I be not requested thereto, I shall not suffer any Thing else to detain me in this Place.

M. *Beverning* came to me yesterday with great Joy, as he said, to impart to me a Piece of News that he had received from M. *Blaspiel*, and he has it from a private Letter of M. *Meinders*; it is, that M. *Meinders*, in a Conversation he had lately with M. *de Louvoy*, having taken Occasion to discourse to him of the great Armies that *France* had now on Foot, and of the Terror they put the World in on all Sides; M. *de Louvoy* answered him, that he perceived well enough, that not only the Princes of *Germany*, but all the Neighbours of *France*, were in Pain to see such great Forces kept on Foot, after all Occasions arisen from the War were in a manner ceased; but he assured M. *Meinders*, that the Most Christian King was resolved to give a General Peace and Repose to all *Christianity*; and that they were going to give very speedily a sufficient Evidence of their Intentions, in that *France* would disband 20,000 Horse out of Hand, as also Foot in Proportion.

M. *Heugh* has been expected these three Days from *Holstein*, where he was to wait on the King his Master, for to receive Instructions for a Voyage into *France*; but M. *Blaspiel* speaks this Day, that he will not be so welcome in *France*, as he would have been if he had gone thither strait forward from hence; for the Court of *France* (as M. *Meinders* writes) interprets this Journey into *Holstein*, as a Contrivance to gain more Time; and the *Danish* Minister in the Court of *France* is told, that the King his Master may ere long hear of a new Proposition from *France*, that will not please the King of *Denmark* at all.

I most humbly thank your Lordship for your great Condescension, in taking me into your Care and Favour for a Yacht; I shall make bold to trouble your Lordship when I draw nearer to the Water-Side. I must not conceal from your Lordship, that I intend to take a Turn to *Amster-*  
dam,

*dam*, and some other Places of this Country, before I take my final Leave of it; but my Stay shall be but very short in those Places; and wherever I happen to be, I shall be sure not to forget the Post-Day, and to assure your Lordship of my being with great Respect, &c.

*L. Jenkins.*

*Nimeguen, 21<sup>st</sup> July, 1679.*

MY LORD,

IN my last to your Lordship, I did acknowledge my having received the Honour of his Majesty's most gracious Letters of Revocation, with a Letter from your Lordship, brought me of the 11<sup>th</sup> from *Windsor*. I have been ever since providing for my Journey homewards, and make no doubt, under God, to be ready the latter End of this Week; the Day of my leaving this Place I cannot yet fix, having been requested by the *Imperial* and *Swedish* Ambassadors, to help them out of the Difficulties they are in, about making the Peace between *Spain* and *Sweden*; I have no Commerce, nor ever had, with M. *Fuente*, the only *Spanish* Ambassador that is here, upon an Embarrass in his first Visits of Ceremony.

SINCE my last to your Lordship, I did, at the joint Request of the *Imperialists* and *Swedes*, send to each of them a Project of a Declaration; whereby the Kings of *Spain* and *Sweden* may, upon the same Day, the first at *Madrid* and *Brussels*, the other at *Stockholm*, declare the Peace by their several Proclamations of the same Tenor, and in their own Language; which is the only Means I can imagine to avoid the great Difficulties that they have stuck upon all this while; and they are so nice in it to this Day, that they will not come to any Act or Agreement in Writing, for the *Spaniard* will not change his Language, nor the *Swedes* theirs. The *Swedes* let me know last Night, by the inclosed Letter, that they were content with the Project I had given in; and M. *Stradtsman* was with me this Forenoon, to let me know, that he and his Colleagues approved of it likewise in Behalf of the *Spaniard*; but that M. *Fuente* did not find himself at Liberty to declare his Agreement to it till he had consulted the Governour and Council at *Brussels* upon it; therefore that he, M. *Stradtsman*, was come to me, in the Name of his Colleague and his own, to desire me not to go hence, till I had exchanged that Project between these Ambassadors, and given the *Imperialists* (who act in the Behalf of *Spain*) my Attestation, that the *Swedes* do approve the Form of the Proclamation, and do take upon them, that their King shall proclaim the Peace with *Spain* at a Day to be set, and in the same Tenor that the Project bears.

My Answer was, that if an Express were sent to *Brussels*, he might be back with the Resolution of the Council before I should be ready for my Journey; but that his Majesty's Command upon me being to return Home with what convenient Speed I can, I did not think myself allowed to stay here upon Uncertainties.

It will not be till the Post be going, that I shall speak with the *Swedish* Ambassadors to this Effect, that they may not think to keep me here any longer than needs must; and that it be certain they intend this Business should be finished, and that speedily, by his Majesty's Mediation, of which there is Mention to be made in the Proclamation, as your Lordship will see by the Project itself, which I take Leave herewith to inclose.

## 634 *Letters from the Embassy at Nimeguen.*

THE Nuncio thought to have gone last Week, as some of his Domesticks did, but he himself went not till this Morning; he made a Proposition to the Magistrates of the Town, that a Place he had fitted for his Chappel, might continue to the same Use, his Landlord, it seems, being of that Communion; he desired likewise there might be some more Liberty for those of his Religion here; but the *Dutch* Ambassadors told me last Night, there was no Likelihood the Magistrates of this Place could gratifie him in the one or the other; and I am told by others, the Deputies that spoke with him answered him to that Effect.

THE *Dutch* Ambassadors told me last Night, they had yet no Answer from their Masters what to do, and how to come to a Conclusion of their Peace with *Sweden*. I am, &c.

L. Jenkins.

### P O S T S C R I P T.

21<sup>st</sup> July.

MY LORD,

IN the Dispatch of this Day (which I have been forced to send to the Post-house, before I could add the few Lines I am now writing) I told your Lordship I was upon going to the *Swedish* Ambassadors, who, upon my telling them in what State their Affair with *Spain* was, desired I would not leave this Place before I had finished it; and added further, that their Peace with the States General being of great Importance to them, to finish it before I went hence, they desired my Offices in it, and the rather, in that there was an Intrigue of *France* (*pour parler franchement*, says M. d'Olivenkrantz) now on Foot at the *Hague*, to bring this Peace of *Sweden* and the States, to be concluded there, and not here. This Notice they have, they say, from M. *Silvercroom*, and he collects the Thing from M. d'Avaux's own Mouth. It was their earnest Desire that this Peace, notwithstanding any Design to the contrary, might be finished here under his Majesty's Mediation, and with a due Respect to the Zeal his Majesty hath all this while shewed for the Peace of *Christianity*, and to the singular Affection he had for the King their Master; and they think it more proper for them, than for me, to make the Motion to the *Dutch* Ambassadors, to come to a Conclusion of their Peace here: They resolved to make Overture of it themselves, by way of Summons to the *Dutch* Ambassadors, and to give as a Reason, partly the Forwardness that the Peace between them and *Spain* is in at this Time, there remaining nothing else to be done in this Place; and partly the publick Notice I had caused to be given this Day in the Town, that all Persons that pretend any Thing to be due to them from me, or any of my People, should give in their Demand within 24 Hours.

MY Answer upon this Request of theirs was, that as long as I was in this Town, to the very last Minute, I would serve them in my Function; but that being call'd Home by his Majesty's express Orders, I had no longer Time here that I could reckon upon, than till I could make myself ready for my Journey.

BUT finding them so earnest and warm, to have their Peace with the *Dutch* finished here, and not transferred to the *Hague*; I shall, if I find them and the *Dutch* in the same Forwardness to conclude it here, not overhasten to set out; and I most humbly beg from your Lordship, one Word of his Majesty's Reflexion upon this Incident; for if *France* be contriving to take this Peace out of his Majesty's Hands, as it hath done that of *Brandenburgh* and *Denmark*, I think it would be his Majesty's Plea-

Pleasure, that his Mediation should be reach'd out to the Parties, when, and as long as they desired it.

ONE Argument M. *d'Olivenkrantz* used, which deserves some Reflexion; it was, that this Place being named and established by his Majesty's Offices, for the Place of a General Assembly to Treat the Peace in, when his Majesty's Mediation was withdrawn, he supposed it was no more to be reputed that Assembly, in Consideration of which, the King their Master had sent them hither; and consequently, that they could not conclude any Thing here (when I am gone. All this I submit to your Lordship, &c.

*L. Jenkins.*

*Nimeguen, 24th July, 1679.*

MY LORD,

IN my last of the 21<sup>st</sup>, I gave your Lordship an Account, in a few Lines I writ after the Dispatch of that Day was gone to the Post-house, how the *Swedish* Ambassadors seemed to be desirous, that their Treaty with the States General should not be transferred to the *Hague*, but that their Peace should be made here under his Majesty's Mediation; and to that End, that they had resolved to press the *Dutch* Ambassadors to come to a Conclusion, before I should go hence; I have not yet seen the *Swedish* Ambassadors, but hope to speak with M. *d'Olivenkrantz* before this Post be gone.

I find, by a Visit I had yesterday from the *Dutch* Ambassadors, that M. *d'Olivenkrantz* had been with them upon that Errand; the Business of their coming to me, was to insinuate, that there was no Likelihood of coming to an Agreement with the *Swedes* in any short Time; for as a main Point of their Treaty of Commerce consists in providing for their Subjects, that the *Swedes* do not swallow up their Trade, by that Privilege they give to their own Ships when they are armed, by way of Indulgence, beyond and above all Foreign Ships, the States General are resolved to have a very exact Description of those Ships, as to their Breadth, Length, Depth, as well as the Number of Guns, (which last is the Thing not yet agreed on, that they shall carry 24 Guns at least) to the End, that the Provision the *Dutch* make in the Treaty in Favour of their own Subjects, be not eluded by such a slight Way of arming, as that such Ships shall carry away all the Trade, and yet not be effectively Men of War fit for Service, for the Encouragement of which alone, this Privilege is intended. The *Dutch* Ambassadors told me, that M. *d'Olivenkrantz* confessed to them, that they, the *Swedes*, were not instructed further, than to agree that the privileged Ships should be of 24 Guns, and that for the further Qualifications of such Ships, they must, before they agree, be instructed from their Court; where 'tis true) there hath been lately a Regulation made, how the Men of War that are to be privileged in Matter of Trade, are to be qualified in all Points; which Regulation is not yet come to their Hands.

THERE are other Points unadjusted between them, as the *Dutch* Ambassadors told me, but did not specify them. The Occasion of their coming to me, they said, was, to let me know the present State of this Affair; and to tell me further, that the States of *Holland* had had it in Deliberation at their last Meeting, but had separated without resolving any Thing upon it; that they had met again on *Tuesday*, but that these Ambassadors did not know, whether this Business was to be re-assumed

at the present Meeting, nor did they expect to know what the Issue would be, in case it were re-assumed, till *Sunday* next. That which they particularly desired of me was, to call to Mind, that I had in my Hands their Original *Plenipouvoir*, and therefore desired me to have it in a Readiness, and not to put it up among my Papers; that in case nothing was to be done towards a Conclusion, upon this Meeting of the States of *Holland*, and consequently nothing to be done upon my Offices, I might restore them their Powers again before I went hence; but in case they should be enabled to conclude and sign, I might then have them ready to produce, and do my Offices upon them.

BUT M. *Beverning* express'd himself, that, to deal plainly with me, he did not see any Probability of their coming speedily to a Conclusion with the *Suedes*, since the *Suedes* must yet have Recourse to their Court, upon the several Points in Difference, which must take up a great deal of Time; and that I could not reasonably be desired by them to continue here upon so great Uncertainties, unless their Masters should happen to come to a Conclusion at this Assembly of the States of *Holland*. The *Dutch* Ambassadors told me further, that M. *d'Olicenkrantz* asked them, whether they had heard any Thing of a Proposal of M. *Colbert* and *d'Avaux*, for removing this Negotiation hence to the *Hague*; and that they had protested to him, they had heard nothing of any such Intention. This is the Account I have from the *Dutch* Ambassadors; by which it is plain enough, (under Correction) that there is no need of my staying here; and that it would be so much the more improper, in that the *Dutch* Ambassadors do not so much as desire it, unless it happens that their Orders from the *Hague* on *Sunday* next speak otherwise.

HAVING gone thus far, M. *Blaspiel* comes and tells me, there may be yet a long Rub in the Peace between *Denmark* and *Sweden*; for the King of *Denmark* (seeing that the Arms of *France* cannot reach him this Summer) is not like to yield to the Terms that are demanded of him, which is, a full Restitution of all to the Crown of *Sweden*, and the Duke of *Holstein Gottorp*; and that is the Reason, he thinks, that M. *Heugb's* Journey into *France* is no more talk'd of.

M. *d'Olicenkrantz* just now tells me, he has private Letters from *Malmoe*, by which he finds, that the King his Master will ratifie the Peace that *France* hath made with the Elector of *Brandenburgh*; which is a Thing, if it proves so, of very great Moment to the General Peace. He says, nothing is yet agreed on at *Lunden*, which he attributes to the Stiffness of the *Dane*, that would have, *First*, *Elfsingbourg* and *Land-scroon* quitted to *Denmark*. *Secondly*, The Castle of *Malmoe* demolished. *Thirdly*, That the *Suedes* passing through the *Zundt*, should pay equally with other Nations. And he says, the little Hopes that *Denmark* hath of gaining any one of these Points in the Court of *France*, is the Cause that M. *Heugb's* Journey is laid aside.

HE says, that Sir *Edward Wood*, when his Letters were writ, was arriv'd near *Malmoe*, and will have the Negotiation put into his Hands as soon as he comes, M. *Feuquieres* not meddling with it, but appearing and acting in all Things as a Party jointly with *Sweden*; the Offices of Mediation that have been hitherto done, have been done by one *Gerdsorffe*, a Minister employed there by the late Elector of *Bavaria*, and the Elector of *Saxony*.

HE gave me a large Account of the Differences between the *Suedes* and the *Dutch* Ambassadors; the main one is, concerning the arming, and other Qualifications of privileged Ships, as above accounted for; there are two more, the one is, the *Dutch* Ambassadors would have all  
Usages.

Usages in *Sweden* that are destructive to their Trade, and have been introduced since the Year 1640, to be abolished; but the *Suedes* would have this Abolition to commence only from 1656.

THE other is, the *Dutch* would be paid for 4 *Holland* Ships laden with Corn, that have been taken by *French* Privateers, and sold in the Ports of *Sweden*: M. *d'Olivenkrantz* does not, he says, understand, why the *Dutch* should start such little Points as these, thereby to give to themselves a Pretence to delay the concluding of the Peace.

M. *Blaspiel's*, and also my own Letters just come to Hand from the *Hague*, tell me, their Highnesses the Prince and Princess of *Orange*, will be setting out this Day, or to Morrow, for *Deeren*. I cannot therefore determine upon what Day of next Week to leave this Place, because I would first wait on their Highnesses there. I am, &c.

*L. Jenkins.*

*Nimeguen, 28th July, 1679.*

MY LORD,

IN my last, which was of the 24th, I gave your Lordship an Account, that their Highnesses the Prince and Princess of *Orange* were expected at *Deeren*; they arrived there on *Friday* late at Night: Yesterday I sent a Gentleman to wait upon them, and his Highness was pleased to appoint to Morrow for me to come thither, in order to take my Leave; and shall have the Happiness of Mr. *Sidney's* Company, who arrived here yesterday in his Way to *Deeren*.

M. *d'Olivenkrantz* was with me yesterday, to tell me he was afraid that the States General had not resolved on a speedy Conclusion of the Peace with *Sweden*; he said, he had no Letters yesterday from M. *Silvecroon*, which he very much wondered at; but the Post before M. *Silvecroon* had advised him, that the Pensioner had let fall some Words, as if the States would be content to betake themselves to an Expedient, which was, to conclude and sign the Treaty of Peace, and to leave the Treaty of Commerce to another Time, when the Parties might be better disposed to come to an Accommodation upon the Points in Difference; this Expedient the *Swedish* Ambassadors (as M. *d'Olivenkrantz* told me in Confidence) will not refuse; but, on the other Side, they will not go so far as to have it offered in their Names: Of this Matter, I hope to have some Discourse with the *Dutch* Ambassadors before the Post goes, to the End your Lordship may know what is like to become of it.

ANOTHER Thing he told me was, that M. *Fuente* had not any Answer yesterday upon the Project I had given in, for declaring the Peace between *Sweden* and *Spain* by way of Proclamation; the Reason was, that the Duke *de Villa Hermosa* and his Council were gone to the Dutchy of *Luxemburgh*, before M. *Fuente's* Letters that carried that Project arrived thither; but hopes to have the Resolution of that Court upon it by the Post of *Wednesday* next.

HE closed this Conversation with telling me, (from a very good Hand, he said) that M. *Pompone* had lately taken Occasion to tell M. *Dyckvelt*, one of the *Dutch* Ambassadors in *France*, that the King his Master had had Notice of a League offensive and defensive, that was contriving between the King our Master and the States General; and that the Most Christian King had commanded him, M. *Pompone*, to tell M. *Dyckvelt* so much; and that if they, the States, did enter into any such League, he could



## 638 *Letters from the Embassy at Nimeguen.*

could not reckon them (as now he does) his Friends; and that being advised timely enough of it, he would be sure to take his Precautions accordingly.

HAVING spoken with the *Dutch* Ambassadors, I find they have no Orders to do any Thing further in their Peace with *Sweden*; they expected, they said, to hear yesterday from their Masters about it, the States of *Holland* being now separated till the Month of *September*; but not hearing, they suppose the Resolution of the States of *Holland* is not yet carried to them; nor do these Ambassadors think, that the Difference between them and the *Swedes* will suddenly be brought to a Conclusion.

M. *Heugh* came Home last Night, and tells me, the King his Master hath dispensed with his Journey into *France* for a Time; that M. *Meyer-croon* hath all the Powers requisite to conclude there, and he believes the Peace will at last be made at *Paris*; there being nothing done in the Conferences at *Schoonen*, which some say are already broken up; he says all the *French* are marching back, and that there is not a Man of them left in the Countries of *Oldenburgh* and *Delmenhorst*, nor about *Minden*, which to M. *Heugh* is Matter of great Wonder.

WHEN I come back from *Deeren* to Morrow, I shall be able to fix my Day for leaving this Place, which will be within 2 or 3 Days afterwards, unless her Highness the Princess will do me the Honour to call here the latter End of this Week, (as it was said at *Deeren* yesterday she was like to do) in her Way to the Baths at *Aix la Chapelle*. I am,  
*&c.*

*L. Jenkins.*

*Nimeguen, 31<sup>st</sup> July, 1679.*

MY LORD,

IT is with all the humble Thanks possible that I acknowledge the Favour of one from your Lordship of the 22<sup>th</sup>, by which I find his Majesty is at last graciously pleased to determine, that I shall not receive the Present offered me by M. *Colbert*, in the Name of the Most Christian King. It is with very great Joy that I conform myself to his Majesty's Pleasure in that Point, for I find every Day more and more Reasons to refuse such Presents. I acquainted your Lordship in my Letter of the 10<sup>th</sup>, that M. *Colbert* had left the Present intended for Sir *W. Temple* in my Hands; I would have excused myself, and did all I could not to be charged with it; but he urged, that tho' I had answered for myself, and had refused the Present intended for me, yet that I had no Pretence, nor could have any Instructions, to do so for Sir *W. Temple*; and that the Most Christian King having expressly directed, that the Present destined for him should be put into my Custody, in regard he was not here himself upon the Place; I could not, he said, with any Colour of Reason, nor without giving just Offence to the Most Christian King, refuse to take it provisionally into my Care, he having no other Orders, and being to leave this Place, as he did, before I could know Sir *W. Temple*'s Resolution; for that which pass'd between him and me was the 10<sup>th</sup> of this Month, and he went away hence the 14<sup>th</sup> in the Morning; and is gone ever since *Tuesday* was sevensnight from the *Hague* for *France*.

M. *d'Olivenkrantz* told me yesterday, that the *Dutch* Ambassadors had sent to him and his Colleague the Day before, to desire a Conference with them; that they debated together all the Points in Difference between them, (whereof I gave your Lordship in some of my former Letters an  
*Account*).

Account) but that they could come to no Agreement; only the *Dutch* Ambassadors took upon them to report all to their Masters; and M. *d'Olivienkrantz* thinks they were pretty well convinced of the Equity of what was demanded, and insisted upon in the Behalf of *Sweden*; yet, he says, that the Difficulties still sticking between them are owing chiefly to one *Tenboven*, Pensioner of *Harlem*, and Nephew to the Raedt Pensioner *Fagel*, who having the Direction of the Treaty of Commerce with *Sweden* intrusted to him, labours to value himself to the Province of *Holland*, and particularly to the City of *Amsterdam*, for his Address and Zeal in managing this Affair, so that nothing escape them in that Treaty that shall be to the Prejudice of their Trade, but rather insist to the utmost upon the Advantages that any of the Trading Men can propose to themselves to gain in this Treaty.

BUT I am apt to think, there is in this Delay some little Complaisance for *Denmark*; there being a *Danish* Minister (as I am told) at the *Hague*, that did lately solicit that the Peace of the States with *Sweden* might not be overhastened, till the Peace of *Denmark* with *France* and *Sweden* be in a better Forwardness.

OF this Peace, M. *Heugh*, in a Visit he was pleased to favour me with last Night, told me, they had no Hopes from what is doing in *Schoonen*, not that those Conferences are broke up, as was given out, but that the *Swedes* are as immoderate as ever in their Demands: On the other Side, tho' M. *Meyercroon* has begun a Negotiation, and made great Offers at the Court of *France*, he, M. *Heugh*, does not yet know, whether they'll come to a Close with him, M. *Feuquieres* pretending that all is to be done in *Schoonen*; and, on the other Side, the Ministers of *France* saying, it is in a Manner impossible to bring those two Nations to any Terms, unless it be done at the Court of *France*: But it is the Opinion of the *Brandenburgh* Ambassador, that the Court of *France* having now given a Peace to the Empire, would be willing enough to see the War continued yet for some while between the Two *Northern* Kings; and upon that Account will not grudge to continue for a while longer their Subsidies to *Sweden*.

THIS Ambassador is in Pain at this Time for the ill Health of the Elector his Master; the Chagrin he hath to see his Countries undone, after that he had sacrificed all to save them by the Peace, having of late put him into a very ill Condition of Health.

Mr. *Sidney* and I were on *Tuesday* to wait on their Highnesses the Prince and Princess of *Orange* at *Deeren*; they were both in perfect Health; and the Princess will within these 2 or 3 Days have ended her Course of *Spaw* Waters; and upon *Wednesday* next, will begin her Journey for the Bath at *Aix la Chapelle*. It happens that *Nimeguen* lies directly in her Highness's Way that Day, and she hath been pleased to tell me, she would do me the Honour to repose herself about the Middle of the Day at my House, intending to go 4 or 5 Hours further that Night, in her Way to *Mastricht*, and so to *Aix*.

THE next Day after I intend (God willing) to leave this Place, for before that Time I cannot hope to have their Highness's Letters; that they told me they would do me the Honour to write by me to his Majesty; besides that, I look upon it as a Duty indispensable, not to leave this Place, at a Time that the Princess would come through it so soon after.

ONE *Kelsen*, an *Echevin* of the Town, coming some Days ago to dine with me, made a Complement of *farewel* after Dinner, in the Name of the Magistrates of the Town, pretending that he had been deputed to

to it. He added, that he had been at the Nuncio two Hours before, and had made him the like Complement by Order of the Magistrates.

I knew it could not possibly be, for that it is against the Stile of the Town to depute one Man, and no more, upon such an Occasion as this was, to an Ambassador: Besides, the Magistrates had not many Days before deputed their two Burgomasters to me upon the same Complement. I therefore observed to the *Echewin*, that he could not possibly be charged with any such Deputation, much less that he was directed to discharge himself in that Order as he said he had done it, first to the Nuncio, and then to me, for that they being Magistrates of a Protestant Town, and Members of a Protestant State, knew very well the Order that was to be observed towards his Majesty's Ambassadors, and that the Nuncio could not here enter into any Competition with us; and therefore instead of thanking this *Kelfen*, I told him I expected the Magistrates should correct him for his Impertinency.

I sent for the Burgomasters, who appeared to be exceedingly surprized and troubled at the Thing; observing to me the notorious Weakness of the Man, and how that he came to me upon a Day, upon which there could not possibly be a Deputation made, since both the Burgomasters happened to be that Day out of Town; and being Senior *Echewin*, (and consequently at Liberty to do some ordinary Matters) took upon himself this Deputation: And as to the Order, he came to me, they said, in the last Place, intending to take his Dinner with me, rather than with the Nuncio.

My Answer was, that tho' I was perswaded all this was true, and had proceeded not out of Malice, but from the Weakness of the Man, yet that they could do no less than depute towards me from the whole Body of the Magistrates, to disavow what *Kelfen* had done, and to declare that he had no Manner of Deputation from them to that Effect; as also that they would punish him for his Boldness, and order their Secretary to give me in Writing, the Declaration that they should make upon this Occasion.

THE Burgomasters went from me, and having first consulted the Dutch Ambassadors, resolved to depute towards me, and to disavow all that *Kelfen* had done, which they did in the Form of Words that goes inclosed.

THE Deputation consisted of the two Burgomasters, one *Echewin*, Mr. *Walters*, (the gravest of them all) and M. *Hukeloom* the chiefest Secretary of the Town; he that spoke for the rest was M. *Fagel*, the eldest Burgomaster, the Raedt Pensioner's Brother; and 'tis from the Secretary I have a Copy of what M. *Fagel* spoke.

THERE was present when this Deputation came, the two Envoys of *Mecklenburgh*, and two Gentlemen more that happened to dine with me, and were present when *Kelfen* took upon him to make me his Complement; several of the Magistrates have since desired of me, to excuse the Thing the best I could towards his Majesty, since none of them ever thought of deputing *Kelfen* upon any Message towards me, much less of directing that he should go first to the Nuncio, and then to me. All which I humbly desire your Lordship to represent to his Majesty, to the End his Majesty may please not to entertain any Prejudice against the Magistrates, as if they had been any Way accessory to this gross Fault of their *Echewin*. I am, &c.

L. Jenkins.  
Nime-

*Nimeguen, 4th Aug. 1679.*

MY LORD,

THE *Dutch* Ambassadors told me yesterday, that they have not yet any Orders or Answer from the States, upon the Report they had made them of the Conference on *Tuesday* last with the *Swedish* Ambassadors, touching the Points in Difference between them: However, they assured me, that whenever the Treaties between this State and *Sweden* come to be concluded, there shall be a Mention and Acknowledgment made, with all due Honour, of his Majesty's Part in bringing this Peace about by his Mediation; tho' the Prince was pleased to tell me on *Saturday*, that it seemed to him that this Business of the Commerce between the *Swedes* and the States would not be brought so soon to a Close.

THE Governour and Council at *Brussels* have approved of my Project for proclaiming the Peace between *Spain* and *Sweden*; so that now there remains no more but that each Embassy should undertake, that the Peace shall be published by the Kings their Masters respectively, at one and the same Day. I am, &c.

*L. Jenkins.*

*Nimeguen, 7th Aug. 1679.*

MY LORD,

THE Princess arrived here yesterday by Nine, and staid here till Two, and afterwards made 3 or 4 Hours, which prov'd to be 6 indeed; she was very well this Morning when she set out, and will be to Morrow Night at *Maestricht* with Ease: Most of my People and Goods will be on Shipboard this Night, but I cannot get off hence till to Morrow, the Business of yesterday having put me back: Besides, the *Swedish* Ambassadors came to me very solemnly at 8 last Night, (for it was so late before I could be back from the *Grace*, whither I waited on the Princess) and gave in a Memorial, or rather a Protestation, whereby they purge themselves, and charge the *Dutch* Ambassadors very Home, that it is by their Delay it comes to pass, that the Peace between them and the States is not finished while I am upon this Place, that it may have its full Perfection under his Majesty's Mediation. To this the *Dutch* answer, that they have no Resolution or Answer from their Masters, upon the Points in Difference between them and the *Swedes*. However, they have charged themselves with the Memorial, but did not think they could have any Answer given to it, till the next Meeting of the States of *Holland*, which will be about the Middle of *September*, *N. S.* To Morrow I shall, God willing, leave this Place, and hope your Lordship will do me the Honour to move his Majesty for a Yacht, if any of them may be spar'd conveniently; if not, I'll hasten by the *Pacquet-Boat*, and shall be very joyful to approve myself, MY LORD, &c.

*L. Jenkins.*

*Brussels, 15th Aug. 1679.*

MY LORD,

IT was very late last Night before I reached this Place, having been 4 Days in my Passage from *Rotterdam* hither; one scurvy Encounter I had in the Way with the Searchers at the Fort of *Lillo* upon the

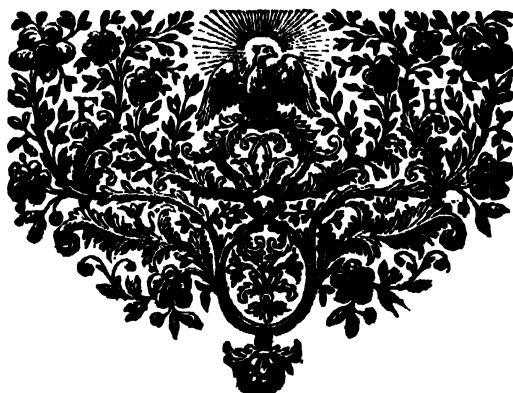
## 642 *Letters from the Embassy at Nimeguen.*

*Scheld.* There came on Board of me two insolent Searchers, notwithstanding I had a new Passport from the States General in the best and strongest Form that can be devised, for myself and Baggage. Tho' there was no other in the Vessel, I having hired it expressly for my Passage from *Rotterdam* to *Antwerp*. They pretended to make a Search before they read over the Passport. I was pretty round with them, when I found them not only come on Board me, but got into the Hold, before they had so much as address'd themselves to me, or to any of my People. I turned them out, but without any Manner of Violence; telling them, they might return again and make their Search, in case they found, after reading of the States Passport, they had any Colour for it. These two Searchers being returned on Board of their own Boat, made Signs to all the Boats in the Fort to come to their Aid, and at the same Time gave me and my People very insolent Language; whereupon some of my People went to them, and fell to Cuffs, and in that (for the Truth must not be concealed from your Lordship) they were the Aggressors against my Will: What they alledge for themselves is, that the ill Language given me and them was most unsufferable: The little Boats being come, the *Dutchmen* fell to Blows with their Oars, and I received a Blow or two upon my Arm, but, I thank God, without Hurt; there was no great Harm done in the Scuffle. The *Dutchmen* at last being glad to withdraw, sent to me by my Chaplain, to desire that they might come and ask my Pardon. My Answer was, that it was not in my Power to pardon such a Violence and Affront, to the Respect that was due from them to the King my Master; but that I would lay the whole before his Majesty, and submit it to his gracious Pleasure. It is a Thing, it seems, too usual in these Countries, for Publick Ministers to meet with such Insolencies, of which his Majesty may please to determine, without taking any particular Resentment of mine into Consideration.

UPON my coming hither last Night, I found their Royal Highnesses in perfect good Health; and should have been going hence to Morrow, but that I find there is a Yacht or two expected every Day at *Antwerp*: If any comes, I shall make bold to imbarck with the first that presents it self, and consequently spare your Lordship the Trouble of moving his Majesty to honour me with the sending of one on Purpose. If it prove otherwise, I shall hasten all I can to *Rotterdam*, and thence assure your Lordship of my being with great Respect, your Lordship's, &c.

*L. Jenkins.*

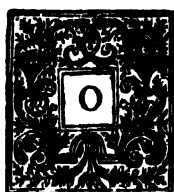
## *The End of the Negotiation at Nimeguen.*





*A Letter of Mr. David Jenkins, one of the Judges of Wales, to Dr. Wilkins, Warden of Wadham-College, Oxon.*

DEAR FRIEND,



LD Men affect old Ways and old Manners. Your Courtesie and Civility to me (who am now in no Capacity of Retribution) is a Favour of the ancient Stamp. *Virtutis merces est ipsa virtus.* I heartily thank you for the Loan of the Book and Papers, which I will return (God willing) ere long. I do recommend to your further Favour and Protection the Bearer, Mr. *Leoline Jenkins*, and give you many Thanks for the Civilities you have already shewn him; and dare say, that you may safely depend on him, whenever you shall be pleased to bestow a Line on your sincere Friend and Servant,

*David Jenkins.*

*Wallingford Castle, June 21. 1651.*

*To the Honourable Mrs. Montague, upon her Marriage.*

MADAM,

MY Boldness thus to bid you Joy hath no other Plea, but that I wish your Happiness with so much Zeal and Sincerity, that I must congratulate it, tho' with some Indiscretion. I cannot express the Fervour and Fulness of my Wishes on this Occasion: Yet the Sum of them is, that you may ever find a full Correspondence in all Things to your own noble Thoughts and Inclination: That you and your second self may always flourish in the Enjoyment of the choicest Blessings in this World, and which you may exchange (though late) for Crowns of Glory in the next. In a Word, MADAM, my infinite Obligations to yourself, and your noble Family, doth interest me so far in your Happiness, that I am not capable of a greater Joy than this, upon your Ladyship's Marriage with a Person of such eminent Worth and real Honour: And I should beg the Favour to have my humblest Duty and Service presented to my dear Friend Mr. *Montague*, but that (you both being now but one) so much is understood in the Notion of my being, MADAM, &c.

*L. Jenkins.*

*Oxon, Dec. 11. 1651.*

*To the Honourable Mrs. Montague at Barnwell Castle.*

MADAM,

BEING under the same Arrest of Sadness with yourself, I am as little capable to offer you any Comfort or Consolation, as I fear yourself are as yet to receive it. You have lost a Brother, that had so much Tenderness for your Ladyship, that the Terms of Love and Honour in their greatest Latitude are not significant enough to express it; and I have lost a Friend, that had studied himself and his Relations to pass all the Endearments and Obligations imaginable upon me, during those 13 long Years that I have had the Honour to carry him as it were in my Arms. Yet neither you nor I, MADAM, must say we have lost him; the same blessed Hand that hangs your Closet with Mourning, and mingles your Discourse with Tears, hath filled his Cup with Joy, and crowned his Head with Glory. This is the only Glimpse of Comfort that I can yet endure to look or think upon, and I take the Liberty to point it out unto your Ladyship.

THE last Scene of his Life was full of Piety and Prayer, which is some Evidence that he was no Stranger to those Duties in his Health. This I have not only from Mr. *Howell*, who sent me the astonishing News of his Decease, but from Dr. *Wilde* himself, whom the dear Soul had sent for of his own Motion, or rather, of the Holy Spirit's, to assist him. I shall send your Ladyship an Account of it, in the Words of the Doctor's own Letter to me.

— I found him very sensible, and exceedingly devout, full of the most sensible Touches of Christian Hope, making a clear Confession of his Faith, and pouring out his Soul in loud and earnest Supplications. His Longings after the Blessed Sacrament were very great, wherein yet I could not satisfy him that Night, there being not a sufficient Number to make a regular Communion, so that we agreed upon the next Day; and accordingly I came with the Chalice, but understood he was dead that Night.

THESE and more to the same Purpose are the Doctor's own Words; and it cannot but oblige us to acknowledge the Goodness of GOD, who was pleased to shew unto this poor young Gentleman so much of the Light of his Countenance in his dark and tempestuous Moments, as to give him the Desire, and in some Measure the Opportunity of this Blessing from GOD, and Assistance from his Minister. As for the Holy Communion, our gracious GOD, we may assuredly hope, accepted of his holy Vows and Desires, and Preparation of Heart, and thought it best to take him to himself, and not to anticipate him with his Antepast here, but to bring him at once to the very Fountain of Life, and the Eternal Supper of the Lamb. When I consider this, MADAM, and add to it my own Reflexions upon his constant Attendance to his Morning and Evening Devotions, from the first Day that I knew him to the last, his just and noble Thoughts, his sober and inoffensive Deportment, his generous Heart and charitable Hand, (beyond any Man's of his Years that I have yet met with) I can mingle some Tears of Joy, with those many I have shed for Grief, and break out with holy *Job*, and say, *The Lord gave him, and the Lord took him away, blessed be the Name of the Lord*. I cannot but say such a Sorrow is just and decent, agreeable to Nature and Reason; that Religion forbids it not when moderate; and our blessed Saviour weeping for *Lazarus*, when he saw him in his Grave, does sufficiently warrant the Tears of so pious a Sister, for so sweet, so hopeful, and so dear a Brother. But a Heart like yours, full of Piety and holy Thoughts, having in some Measure satisfied what is due to Nature, will the easier yield to the Dictates of Religion, and be silent before its Maker, with that Resignation which is due to his Will, who is the Author of Life and Death; and in the midst of your Grief remember, that he chooseth best for us, however hard and ungrateful the Choice may seem at present to us. MADAM, all I can say on this sad Occasion, I know is almost superfluous, to one whose Soul breaths so much true Piety and Religion, unless it be to express the Sympathy of your Ladyship's, &c.

*L. Jenkins.*

*Appley in Shropshire, Sept. 19. 1659.*

To Sir *Francis Mansell*.

SIR,

YOU were pleased in your last to honour me with an Invitation, to take more upon me than suits with my low Condition, and to use a greater Freedom than becomes my mean and humble Pen; for I confess myself very unfit to dictate any Thing to you by way of Advice, tho' I am very zealous to suggest every Thing that I can imagine pertinent to your Affairs. And therefore, SIR, I should now have troubled you (as you was pleased to desire) with my poor Judgment, of the most expedient Course, and most advantageous Books that you can fasten upon, for the perfection of your Studies; but understanding that you are engaged in a Multiplicity of Business, I cannot conceive such an Address now seasonable, tho' I shall not forget it, when you are fully settled, and better prepared upon that Work. At this Time then, SIR, I have no more to say, but that tho' some may pity, I do rather congratulate your Lot, in this stormy Entertainment of the World; and I think I have some Reason for it. For this first View you have of the World, represents it to you in its proper Colours, empty, unsatisfying, and troublesome, as it really is, without the *fuscus* and Disguises of too great Abundance and Pleasure. 2. Those Troubles (tho' comparatively very minute ones) must engage you in a nearer Approach unto, and a firmer Reliance upon the Providence of

of Almighty G O D, who alone can, and in his good Time will, I doubt not, extricate you from those Difficulties, which seem now to encircle you. 3. This Juncture is an Opportunity for many excellent Vertues, Humility, Thrift, Patience, and Prudence in the ordering of your Affairs; whereas Persons that wallow in Ease and Plenty, are commonly too forgetful, nay, almost incapable of these Duties. So that this Scene of Troubles is a School of very wholesome, tho' harsh Discipline, under which you must needs grow a great Proficient, seeing you are already fix'd upon sure Grounds of Piety and Religion. Which that you may make the true Use of, and that G O D will in his own appointed Time give you a happy Issue out of them, is my sincere Wish and hearty Prayers, and do assure you none will rejoyce more in the Course of your better Fortune or future Honour, than your obliged Servant,

L. Jenkins.

App'ey, 1658.

To Mr. Athanasius Davies.

S I R,

U P O N Information from divers Friends, of your extraordinary Care and Conscience in the Work of your Ministry, I think myself bound to congratulate, though unable to encourage or assist you in such religious Performances. I joy to hear, that your holy Exercises are according to the Order, and in the Form of the Church of *England*; which Form, (I mean, the Liturgy) as it is of most Advantage and Comfort to practical and sober Christians, so it is most scorned and persecuted by ignorant and new-fangled Men. Wherefore we should be more in Love with it now, and set our Hearts at Rest in this Resolution, that we desert not a Truth because it is persecuted, nor entertain an Error because it seems prosperous, or embraced and countenanced by Men in Power; for there hath been never any Truth of Consequence, but hath met with Adversaries, and scarce any Error or Absurdity that hath not found Abettors. I rejoyce to hear that you have so full a Congregation to joyn with you, for 'tis an Argument that there are still among us those Men, that dare worship the God of their Fathers in Spirit and Truth, and will not bow their Knee to *Baal*, or wait upon their Masters to the House of *Rimmon*. It is a great Evidence that such Persons are sincere Professors of Religion, because they expose themselves to the Troubles and Disadvantages of this World, in a Business which too many Men esteem in no Degree necessary, and some altogether superfluous. The Constancy of your Auditors, minds me of the Relish and Reverence that *Hugo Grotius* had of our Service; you know he was a *Dutchman*, one of the most eminent for his Piety and Learning that this latter Age hath produced, as his Notes upon both Testaments, his Tracts *de veritate Religionis Christiana* against *Socinians*, and also his Essays for the Peace and Reconciliation of Christian Churches, besides his Tracts of the Civil Law, do abundantly manifest. That Great Man, I say, did always recommend unto others, and strictly command his Wife to joyn herself to the Communion of the Church of *England*, as that which was in his Judgment most near to the Purity of the Primitive Churches in Divine Service, and other Points of Conformity and Imitation. And a Gentleman of Quality in *France*, (besides the Hearsay of divers others) told me, he had often seen *Grotius's* Lady at Sir *R. Browne's* House at *Paris*, duly frequenting our *English* Service, and Monthly Communion, celebrated by the Exiles of the King's Party there. Well fare those honest Hearts then with you, that tread the old and the sure Way; that have no other Design in their Religion but to serve G O D, and save their Souls; who make no Trade of their Religion, but think it safer to lose by practising, than thrive by professing of Piety; they will find such Godliness, which they may happen to be Losers by here, to be their greatest Gain, when their Accounts of Eternity are stated. As for yourself, what you do in order to the Discharge of a good Conscience, I know is done not only without Encouragement, but with Hatred and Opposition; however, I am perswaded you find more Satisfaction and Comfort in your Thoughts, than those, who under Pretence of Preaching CHRIST JESUS, the Author of Truth, Peace, and Order, do no other than promote Rebellion, Heresies, and Confusion. You take the safest Course, in my poor Judgment, to keep close to the Orders of the Church; for that Method in Publick Offices must needs be most acceptable to G O D, and most warrantable as to Men, which is according to his Word established by the Church, whom CHRIST hath authorised, and promised to



to assist in such Cases; so that it can never be objected unto you, that you either vary from, or, which is worse, condemn the Authority and Prescriptions of your Mother Church, whom we are all commanded to hearken to, and whose Orders all Clergymen have a special Obligation to obey. In Truth, SIR, you do hereby much advantage the Cause of the Church which you suffer for, by making it appear in your Actions, that you cannot neglect the Duty, though you may not reap the Profits of your Calling; and that no Discouragements whatever can abate your Zeal. You do, I am confident, already find the Benefit of these your conscientious Performances redounding upon your own Soul, by enabling you to instruct your Hearers in the most useful Points, and easie Method, and in some Sort to stop the Mouth of all Gainsayers, by sound Doctrine, and (which is most powerful) by a Conversation exemplarily religious and sober. But altho' your Care and Conscience, both in your Life and Doctrine, are extraordinary, alas! how scanty is your Subsistence; however, I hope the same gracious Hand of Providence will never fail to supply your Necessities; these the Apostle determines to be Food and Raiment, we have promise for no more; and so much possibly we may be abridg'd of for the greater Glory of GOD, in our Patience and absolute Resignation of Soul and Body unto him. I need not mention what a mean Condition the Apostles were in, during their Pilgrimage here on Earth; or the infinite Sufferings of St. Paul, for preaching the Gospel: For we cannot reflect upon any one Century of the Church, that is not remarkable for the Poverty and the Blood of her Martyrs and Confessors. The Eminency of their respective Gifts and Graces could not exempt them from Persecution, even to Death, for the Religion which they taught; and we are bound to maintain his Truths at the same Hazard and Expence, when we are called to it; but I know your Resolution is so well grounded, that all I can say on this Point is almost superfluous. And such a Constancy of an honest Resolution, and the Integrity of your blameless Conversation, will baffle your Adversaries more fully than any other Means whatsoever. Let your Application to your Auditors, whether by Homilies, Preaching, or Expounding, consist of Directions to a holy Life, and the practical Duties of Christianity; and you know the best Motives to persuade, and stir their Affections in this Case, are drawn from the *Quatuor Novissima*; and if you can reduce them to Frequent Communion, and due Preparation thereto, as also Acts of cordial and extensive Charity, it would be a blessed Work indeed. But pardon, dear SIR, this rude Intrusion of mine, for I find myself now so far gone beyond my Last, that I blush at my own Confidence, though I cannot in the least doubt of your Candour.

WELL, SIR, to conclude, when I think of you, I also think of your glorious Name-sake, that great Pillar and Light of the Church, St. *Athanasius*, the best Emblem that the Church ever had of heroick Constancy; as his living 4 Months in a dead Man's Tomb, and 6 Years in an empty Cistern, do manifest; though *Arianus* had got his Bishoprick sequestred to himself, and three Emperors sought the Life of this Prelate, yet he would not (as was said of him) bate them a Syllable.

*Nunquam non agnitus innocens, sepe damnatus ut nocens,  
Sedem maluit mutare, quam Syllabam.*

FOR he still would have the SON of GOD acknowledged *ἰσχυρον*, the *Arians* would have him to be but *ἡμιθεον*. My hearty Wish and Prayer is, that GOD may bless and assist you in your Constancy, with all the Advantages of a sanctified Persecution; that as you are ready to maintain his Truth, to own his Church, and to suffer for his Cause, so you may be supplied with such Abilities, Courage, and Support, as shall be most conducing to his Glory, and requisite to your Person and Condition. I am, &c.

L. Jenkins.

Appleby, July 30. 1659

*To the Vertuous and Noble Lady A....*

MADAM,

THE Honour of your Son's Tuition being cast upon me, 'tis probable your Ladyship does e're this expect some Account of my Charge: I should have written sooner, but that I feared my Addresses would seem impertinent, before I could certifie something of the Experience and Hopes I have of the young Gentleman:

tleman: His Nature I am in love with, as being hitherto of a sweet and tractable Disposition; which, I bless God, is so improved, that he seems to entertain my Admonitions, not only with a fair Compliance, but with singular Thanks. This I do the rather mention to your Ladyship, because it is a Symptom of his humble Thoughts, and obedient Spirit; wherein will consist a great Part of your Comfort, and a main Security of his own Happiness. As for his natural Parts and Abilities, before his coming hither, I presume you have been satisfied, by the Informations of far more abler Judgments than mine. The Directions I received with him, I do to the utmost observe, and insist upon, as most proper for his Person and Capacity. He is hitherto very punctual to the Hours of publick Devotion, as often as this Place will afford it; and I hope no less constant to his private Offices, and thole other Performances I recommend unto him. For my chief Desire is, that his Heart may be seasoned with the Principles, and his Affections warmed with the Sense of practical Piety, rather than his Understanding busied with empty and useless Notions. For his Studies, 'tis my Care to order them so, as thole Things may be most intended now, which will be most useful hereafter. He reads commonly twice every Day with me, and attends the publick Lectures of the Place as often as they are permitted, and I hope not unprofitably for the Time. I do not confine him to any one particular Study, least he should be cloy'd, or disrelish it. His fortunate Circumstances, I know, has placed him above the Necessity of that; and the Pleasure and Delight that himself shall fancy, are the only true Means to engage his Affections to it: And tho' his moral Accomplishments ought to be the main Design of my Endeavours, yet I must tempt him with the Pleasures and Ornaments that his Studies well intended will afford. I hope, in Time, to bring him acquainted with Logick and Philosophy (the chief Learning of this Place) which if understood, will be an excellent Help to manage his Reason and Discourse, so as to speak concludent to any Purpose. He is already dextrous at penning Letters, and expresses his Thoughts handsomely, and with Advantage, upon most Occasions; and seems to have a pretty good Acquaintance among the choice Books of our own Language, that are fit for his Age. Neither must I injure him of his due Commendations, (which I had almost forgot to have given him) for his Reservedness and Caution in Point of Company, having not mixed with any, since his coming hither, (as far as I can inform myself) but such as I do well approve of, both for their Learning and Morality.

HAVING trespass'd so much upon your Ladyship's Patience, I shall now close with my humble Thanks for your bountiful Salary to me; and tho' my poor Abilities fail of a proportionable Return, yet my best Endeavours shall not be wanting to instruct and further your Ladyship's Son, in the Knowledge and Search of those Things, that are requisite for him to be vers'd in, as a Christian and a Gentleman. I dare almost say, that your Desires cannot be greater, than my Ambition, to see your Son grow up, and become confirm'd in virtuous Habits, and noble Principles, which are the best Accomplishments, and the only true Breeding: And your Ladyship may believe me, that his good Progress, and fair Deportment, gives me not a little Satisfaction, as if his own Ambition was not only to answer, but to exceed the greatest Expectations of his Friends.

WHERE your Ladyship may direct your next Letter, when you intend either of us that Honour, I am not able, as yet, to tell; for I perceive that I have already given some Offence to those, that have the Inspection and Government of this Place; and I do expect every Day to be ordered from hence, unless I do prevent it, by my own more early and voluntary Retreat. But however Providence shall please to dispose of us, your Ladyship may assure your self, I shall use my Endeavours to advertise you of it, and to beg your further Commands to him, who is, &c.

*L. Jenkins.*

*Oxford, Sept. 7. 1652.*

*A Letter written to a Gentleman concerning the Engagement.*

SIR,

**A**LTHO' I cannot be furnished here with Assurances either for Discourse or Reading, which may be necessary to state a Matter of Consequence, even but for your own private and particular Satisfaction; yet to manifest how willing I am, to tender something towards the Resolution of your conscientious Demand yesterday, relating to the Engagement, I shall offer these few Lines (as I could

steal

steal them from my present busy Kind of Employment) to be considered of, until you can otherwise happily be satisfied, by a more exact and mature Judgment.

2. I suppose it evident, that this Engagement is intended chiefly to make void that Obligation of civil Faith and Allegiance, into which the Natives of these Realms entered when they came into the World, by being born Subjects; which Obligation, of highest temporal Obedience, hath been abundantly declared, ratified, and acknowledged, by Statutes and Oaths, as due and appertaining by Right of Inheritance, unto the Kings hereof, their Heirs, and lawful Successors; so that undoubtedly this Duty was intended, and generally received, as perpetual, during Life; and not that Subjects could lawfully renounce or forsake it, according to their own Pleasures or Necessities.

3. If that Obligation were just, as (if any such Thing could be made so heretofore) questionless it was, what Bond or Obligations soever shall afterwards by other Parties be drawn up against it, must in good Reason be thought unjust, and the voluntary signing or submitting thereunto unlawful.

4. I have not seen or heard (to my Remembrance) any Thing of Substance produced, which could overthrow this Truth; some fallacious Notions and Shadows indeed, insolently dispersed, and too readily taken up, have so troubled and darkened it, that our present Rulers have reaped great Advantage thereby: But I will offer at no more than what I conceive most useful for our present Purpose.

5. You stand sufficiently convinced in Judgment to whom the supreme Authority of these Countries doth rightfully belong, otherwise sure you would not much trouble your Mind, or hazard your Estate in the Business.

6. You may then please to consider, That your Allegiance is a civil Right, Interest, or Property, which that Sovereign Lord hath in or over your self and yours; then because it is his own, it should be reckoned at his Disposal.

7. HEREUNTO I must add, that whereas of Right he is the Disposer of your Obedience, now at this Alienation of it, (for this Engagement it seems means no less) I conceive that his Will and Pleasure ought by conscientious Men most to be regarded, whom it most concerns.

8. AND hereupon I come to this Issue with you, that a just Determination of this Case is to be derived from the Sovereign's Breast; but seeing it is not possible now to receive from him, in due Time, the Declaration of his Mind, there appears no better Way to proceed, than to frame a Judgment with all Faithfulness and Discretion possible, of what a pious Christian Sovereign would accept or require from his loyal-hearted Subjects in the like Condition.

9. LET it then be supposed, that their faithful Endeavours in Time past for the Preservation of his Crown, even to the Hazard of their Lives, are duly represented to him; together with their constant Affection and Resolution for the like Adventure in Time to come, whensoever divine Providence shall vouchsafe an Opportunity for his Restauration.

10. Now, in this Case, is it not reasonable to conceive, that a gracious Sovereign would readily yield unto them any just Expedient, lying in his Power, to preserve such good Subjects from imminent Destruction, and to preserve withal his own Interest of their seasonable Assistance!

11. I shall at last close with your self; advising that you would deal most sincerely with your own Conscience, and examine it, whether or no this present Case, for your Part, be not like to that now mentioned? (1.) Whether, according to your bounden Duty, you have been, with your best Discretion and Abilities, upon all fair Occasions, affectionately faithful and loyal? And whether you purpose, by God's Grace, stedfastly so to continue? Whether you fear a Danger so imminent, that in ordinary Course you apprehend it unavoidable? And whether so great, as may be the Ruin of yourself and yours?

12. UPON serious and unfeigned Consideration of these Circumstances, are you reasonably persuaded that our gracious Sovereign would so far condescend to the present Exigence, as to grant any meet Royal Favour in his Power towards your Indemnity; in Particular, that he would please to allow and require you to make a temporary Profession of that Obedience to others, which ought always to be at his Disposal, whereby your Person and Estate may be maintained in a Condition hopeful to render him good and acceptable Service in happier Times.

13. BY this Means, your loyal Obedience seems only suspended by him, who hath the sole just Power, from the Exercise of it, during this invincible Necessity, but in the Ground and Right thereof continues unalienated.

14. AND upon these Considerations, I apprehend (under the Correction of better Judgments) the subscribing to this Engagement may be tolerable for you, as free from Perjury towards God, and Rebellion towards the King, provided it be done with the least Signification possible of your Consent, or Cause of publick Notice; as also, that the Sovereign's express Approbation hereof be humbly sought for, as soon as God Almighty shall please to send an Opportunity, wherein it may be obtained.

I am with Sincerity.

*Disquisitions upon the Letter above-written, by Mr. Jenkins.*

DEAR SIR,

I Should not have adventured to pass my Judgment on the enclosed Letter, which is writ with Learning, and (I believe) with great Sincerity; but that you think it necessary to have some further Satisfaction in the Point, or at least you are pleased to enquire and command my poor Opinion of it. I shall therefore, without any further Apology, freely enter into the Consideration of it, and heartily wish any Thing I shall be able to say, may at last contribute to the Resolution of your conscientious Doubts.

Ad. 2. IF the Engagement be designed to null the Oath of Allegiance, (which yet cannot be done, because that Oath, lawfully taken, destroys every Act inductive of any Obligation contrary to the former) I ask, whether I may safely comply with the Imposers, so far as to subscribe it; though I be, in the mean while, perswaded that their Authority is incompetent, and their Method inefficacious to disoblige me? It seems, I may not; because in so doing, I come up to their Desires, and satisfy their Expectations; which is so far from avoiding all Appearance of Evil, (as St. Paul commands) that it is a great Scandal given; *first*, To the Imposers, who are confirmed in their wrong Course by my Compliance: *2dly*, To my weaker Brethren, who, it may be, become satisfied of the Unwarrantableness of the Action by my Practice; whereas I design it as a meer Simulation to elude the Imposers.

Ad. 3. THE voluntary signing of this Engagement, is confessedly unlawful. I demand, whether there can be an involuntary signing? (1) Whether I can be reduced to such Exigence, as that my Will may be forced to the signing of it? 'tis an Axiome in Philosophy, *voluntas non cogitur*, this Reason and Experience do confirm: for otherwise, 1. A Man hath no freer Agency than a Block or a Stone. 2. If the Will could be forced, Counsels, Rewards, and Punishments, would be proposed to no Purpose. 3. God would be truly reputed the Author of Sin. Tho' outward Force may master my Limbs and Joynts, so as to meddle with the Matter of a Sin, yet so long as my proper Volition does not actuate it with a Form, I am free from the Guilt, because God requires no Impossibilities at my Hands. The putting it to my Choice, without I please to subscribe or to suffer Imprisonment, &c. implies, that my Will cannot directly receive Impression from Force: And to say, I was forced to subscribe, is to say, I would not will to suffer; yea, an Apostate may as rationally plead, that he was compelled by the Threats of a Turk or Pagan, to abjure his Profession of Christianity; unless we say that which is absurd, *viz.* The Will may be compelled in and by small Dangers, but not in great; if this may be a lawful Excuse, all the Martyrs were but Fools, if not *felones de se*.

Ad. 4. I wish that this prove not a fallacious Notion; if it be, it is too readily taken up, as subservient to worldly Interests; and our Rulers have this Advantage by it, that whereas they work upon other Humours (suppose Presbyterian and Levelling) by other Arguments and Means, they have their Ends compleated upon the Royal Party by this; for they examine not in what Sense any Man takes the Engagement, it being in all likelihood but a Preamble to an Oath for abjuring Monarchy; which if any Engager should stick at, it were but reasonable to apprehend and deal with him as the more dangerous, because a more close Enemy.

Ad. 6. So far I reckon my Allegiance at my Sovereign's Disposal, as that I am bound to act when and how he shall please to order me, and I conceive, that himself or his Ministers are most fit to prescribe the Substance, to regulate the Circumstances, and to suspend the Performances of my Duty, as shall be thought by them most Expedient; however, if he, or they, should require me, upon my Allegiance, to commit an Act formally sinful, (such as I take the signing of a solemn Promise, without a Thought to perform, yea, a Resolution not to observe it in any wise, to be) I must obey God (whose Commands and Threats against Lying are per-

remptory) rather than the King: And as the King cannot need any unlawful Means to preserve his Rights, if he trust to the Goodness and Power of that Providence by which King's reign; so I need not shrink patiently, yea, cheerfully to undergo whatsoever Punishment may be inflicted upon me, if I can persuade myself that I shall be no Loser by him who saith, *Blessed are ye when ye are persecuted for Righteousness Sake.*

Ad. 7. I conceive the Obligation of my Oath to God, is most and only to be regarded, until the King's Will and Pleasure be declaratively manifested to us, and his express Relaxation and disannulling of that Oath, assuredly confirmed unto me; otherwise to frame a Supposition, that the Obligation of that Oath ceaseth, because it is in the King's Power to remit or suspend it, is it not as if a Man should persuade himself that his Wife is dead, because she is mortal, or far from him, and upon that Ground, without further Evidence or Inquiry, to marry another? Moreover, granting that the King may remit my Obligation, as far as my Allegiance concerns his own Person, (for every Man may remit what he please of his own proper Right) yet the Jurisdictions, Preheminences, Authorities, &c. annexed to this Imperial Crown, (which I am sworn *in terminis* to assist and defend to my Power) being so essential to the Preservation of other Mens Rights; I ask, whether I may in Justice, without those Mens Consent, (suppose the Lords, or the Members of Courts now abrogated, &c.) be instrumental, or give my positive Consent to destroy their Rights, because the King parts with his own?

Ad. 8. SUPPOSING therefore, but not granting, that the King may dispense with the whole Oath of Allegiance, I ask next, whether it be safe for a Man's Resolution in such a Case to be determined upon meer Suppositions (though never so rationally and faithfully contrived) of what may be? For as without Impiety I cannot contract, so without Perjury I cannot wave the Obligation of an Oath. The Oath of Allegiance is not remitted or suspended, as to my Conscience, in Truth, but in Fancy; if it were in Truth, I should never trouble myself to frame Suppositions; nor trust to Likelihoods, if I had Certainty to ground upon. It is not remitted in Righteousness, which giveth to every Man his Right; this Persuasion taketh away his own Right from the King and others, without the Consent of either: And surely I must not persuade myself that it is no Sin to rob my Friend, upon Confidence that he will not deal with me according to the Rigour of the Law. Nor can it be remitted in Judgment, for Judgment is ever grounded upon Reason rightly concluding, but this Persuasion upon Probabilities is in no wise convincing.

Ad. 9, and 10. This Expedient is sinful, and 'tis not in the King's Power to make it just; wherefore the King's Interest, and his good Subjects, must depend upon the Issues of God's Providence, which needeth not the Concurrence of sinful Means to effect our Good.

Ad. 11. I am, and have been faithfully Loyal to my Power; yet I fear this Act will stain the Merit of my former Endeavours, and engage me in a Defection from, or at least a Neutrality in my Duty; for what Assurance can there be that I will be resolute to act, that cannot resolve to suffer for the King (I am bound in Conscience to one as well as the other).

Ad. 12. I cannot be assured that the King will take Notice of my Compliance, as designed wholly in order to his Service; or that this Compliance (under such an arbitrary Power) will be a likely Means to preserve me in such a Condition as I propose to myself.

Ad. 13. Nor so; but my Allegiance is groundlessly supposed to be suspended by the King; myself first fancying a Necessity to alienate it, and then to do whatsoever the Usurpers please to require at my Hands.

Ad. 14. THE Cautions about subscribing will not serve to evacuate the Crime, (and such it seems to me) it may lessen the Scandal (such it will prove to others); for if this engaging be a Renunciation of our Allegiance, 'tis not unlike Perjury to such as are sworn: If it be not High-Treason by the known Laws of the Land, 'tis too near of kin to Rebellion: However, I must forbear till my Scruples be clearly satisfied; because the Doubting and Reluctancy of my Conscience, renders an Action, though lawful in itself, unwarrantable to me. I must not think to elude St. Paul's Rule, in pretending a Necessity to do Evil, that Good may come thereof; seeing 'tis safer for me to suffer the greatest Inconvenience, than to commit the least Sin.

So, I hope you will pardon the Freedom, as well as Tedioufness of this Address, and believe that I am, &c.

*L. Jenkins.*

*To the Right Reverend Father in God, George Lord Bishop of St. Asaph*

MY LORD,

I Received the Honour of your Lordship's Letter last Week, and am sorry that I had not an Opportunity of giving your Lordship that Account and Satisfaction, by way of Answer *viva voce*, which is not, I fear, to be brought within the Compass of a Letter. Mr. Griffith's Relation to your Lordship, is to me so highly and justly considerable, that I shall only take the Liberty to represent unto your Lordship the State of our College, together with my present Apprehensions of that young Gentleman, and then submit myself to the Justice and Ingenuity of your Lordship's Commands.

THE College, MY LORD, upon my Election, was represented to me to be between 3 and 400 *l.* in Debt; but I wish it proves no more. However, I have not yet waded through all Matters of Account, so as to be able exactly to state our Condition to your Lordship; yet it is most certain, that until we do extricate ourselves out of this Debt, the College will be under a double Inconvenience; the one, that we must be at the Mercy of those who trust us with Provisions, as to their fair Dealing; the other, that none will advance any Thing to us by way of Contribution or Benevolence, because they will not care to pay off the Debts, that those who were here (only by right of the Sword) have contracted, and cast upon us. And for me to enter upon new Elections, before I know the State of the College, which I have Reason to fear is not well able to pay the Members that are already stipendary, (much less to pay off any considerable Part of our Debt) would be a Way very unlikely, if not impossible, to ease the College of its Burthens, since we have no other visible Means to do it, but our small yearly Revenue, which comes in with great Defalcation and Slowness.

BESIDES, MY LORD, this College having sometimes flourished, to the great Advantage of our Church and Country, and being now under a Cloud, there is no Means imaginable for me to retrieve its ancient Discipline and Reputation, but in choosing, for the future, the most able, and the most likely to carry on the Credit and Service of the College; and indeed the Statutes which I am sworn to observe, direct me to it; *quod quilibet Socius Eligend: sit de aptioribus & habilioribus, quoad mores & scientiam, qui in Collegio aut Universitate reperiri poterunt*; and I am determined at all Times most religiously to observe them.

'TIS true, MY LORD, I have not had any personal Experience, or Trial of your Nephew's Qualification, but being concerned upon this Overture from your Lordship, to make an Enquiry into his Capacity every way, I am satisfied he is right in his Principles, and blameless in his Morals, but as for his *scientia*, (which is the other Requisite) I am informed by those, whom I believe to be no other than such as wish him heartily well, that his ill Temper of Body, and the late disorderly Times, have not allowed him much Opportunity of Study; and consequently his Competitors (and more than one I am sure he will meet with) will have those Advantages to overballance, tho' he be allowed all the Grains that can with any Colour of Equity or Justice be indulged to a Kinsman of Dr. Gwin's, and so near a Relation of your Lordship's: I wish from my Heart, I may find my self deceived in the Information; however, I dare flatter myself with the Hopes of your Lordship's Pardon, for my Freedom in his Case. I shall always, MY LORD, most readily acknowledge Dr. Lewyns, not only for our Benefactor, but for one of the greatest Presidents of Primitive Faithfulness and Justice that I have yet lived to see. But the Words of the Deed that invest the College with this Benefaction are, (for I have it now before me) that upon every Avoidance, the College shall, in their Elections, have the first Respect to such of the Kindred of Dr. Gwin's, afterwards to such Inhabitants as are, or shall be born in the County of *Anglesey*, or in the Diocese of *Llandaff*, as upon their Examination by the said College, shall be found equal with others to be capable thereof; these are the Words, and I leave your Lordship to judge of their Weight and Obligation.

MY LORD, I shall crave Leave to add one Word more, and 'tis this, that there is no Man alive that hath a greater Deference for your Lordship's Judgment, or more Veneration for your Person, than myself: Not to mention your high and holy Order, nor yet your Lordship's great Capacities, and our great Hopes in Reference to the Good of this poor College. Nay, there is not any one that can promise your Lordship more unfeignedly than I do, an absolute Power over me, and a more favourable Regard to any of your Lordship's Recommendation; upon Confidence

that you will please to manage it consistently with my Oath, the Condition of the College, and the Account I must give to God and the Church of my Charge. And though I am but a poor Drudge in your Nursery here, your Lordship hath too much Piety and Candour, not to own and countenance the Desires, the Care, and Exactness, that I must limit myself to, in order to raise such a Stock of Grafts here, as being translated into the Vineyard of your Lordship's Diocese, are most likely to answer the Needs of the Church, and the Expectation of its Governors. Which is the best, if not the only Way I have to speak myself, as I am with much Sincerity, &c.

L. Jenkins.

May 31. 1661.

SIR,

I Am sorry for the News you write me concerning Sir William Turner's Son, but if the Case be not worse than you relate, I hope he is no Danger of Death. Concerning the Method of Trial, and what you are pleased to inquire, whether if the University do not try the Fact, it will be hurtful to their Privilege, I think not; I have known it practised some times, that when such a Thing has happened as this, the University has not claimed a privileged Person, but let him be tried some time by the City, and at other Times by the Judges of the Common Law, because they will not be at the Charges of the Commission to the Steward, and of bringing him, or his Deputy down, to sit in Judgment; howbeit, we that are sworn to defend our Privileges, and privileg'd Persons, should not forsake them in Respect of the Charge. The last that I remember, was one *Pidessey*, the Proctor's Man, who killed one *Marsh*; and he being not able to maintain his own Privilege, and bring down the Steward, was tried by the City Justice at the *Guild Hall*, and was hanged. Whereas 'twas thought he had not all the Justice he ought to have had, and that if he had been tried by the University, he might have been saved: And before that, Dr. *Dun*, who was then Student of *Christ Church*, killed a Boy, and brought down a Commission and the Sub-steward, who was then Serjeant *Crook*, and had his Trial by the University, and was acquitted; and I ever thought it the safest Way, for a privileged Person to be tried at Home, and not by a Foreign Jury. But *Stakes* is no privileged Person; but howsoever our Privileges are, if he will, he may be tried upon an ordinary Commission of Oyer and Terminer, and Sir W. Turner's Son too. But I think it very dangerous to try them before several Judicatories; and I suppose Sir W. Turner is well perswaded of the Cause, that he desires the Matter to be so suddenly heard, wherein I would advise Mr. Vice-Chancellor to gratify him: For I think it will not prejudice the Privilege, if it be done, but it will more hurt the privileged Persons, that they did neglect or refuse to claim their Privilege, unless it were at the Parties own Desire. The Manner of Dr. *Dun*'s Trial was thus: The Steward sat in the middle of the Bench, the Vice-Chancellor on his Right Hand, and the Doctors and Masters sat round about the Bench in their Formalities: The Trial was in the ordinary Form as in other Courts; only the Jury were privileged Persons, some Masters of Arts, and other Members of Colleges. Yours,

August 1664.

L. Jenkins.

To Dr. Jenkins.

HONOURED SIR,

I Did hope the Difference between the Dean and Chapter, and myself, concerning the Repair of our Cathedral, should have been long since concluded; but till last Week I could not get the Chapter's Consent to a Reference, which now I suppose will be brought before this to you. The Bearer hereof, Mr. *Edwards*, one of our Prebends, will be able to give you Satisfaction to any Inquiry about this Business; and I take him to be so honest a Man, that (though of the adverse Party) I am very willing you should believe every Thing he says to you. I am extremely desirous to put a lasting Period to this Dispute of some Ages, that it may create no further Quarrels between us or our Successors; and therefore beseech you, SIR, (whom we have made our sole Umpire and Referee in this Difference) to bring it by the most compendious Way through your Court, that it may be capable of my Lord of *Canterbury*'s Confirmation. I have another Request to make to you, in Behalf of a poor Clergyman of my Diocese, one Mr. *Williams*, Vicar of *Abergelly*, who very much importunes me to beg your Favour for a Son of his in *Jesus College*, of some Years Standing there, and, as he assures



assures me, of good Parts and Learning; that by the Addition of a Scholarship

together to you, whose Proneſſes to entertain ſuch Motions, hath given Confidence of many ſuch Addreſſes, and aſſures me of your Pardon to Sir, your moſt obliged and affectionate Servant,

Jan. 29. 1673-4.

To Dr. Jenkins.

SIR,

I Preſume by this Time you are returned to College, and therefore I ſend this Paper to bid you heartily welcome Home, and to give you Thanks for ſending me a Copy of that which you laid and did at the Creation of the Honorary Doctors. I cannot but commend it highly, as favouring both of Skill and Pains, tho' perhaps it was a Work of Supererogation; for I conceive never before any Honorary Doctors, that did not take their Degrees in order to their Profeſſion of the Law, but either to honour themſelves or the Univerſity, were ever created by Tradition of the Book and Ring, &c. for in that you have celebrated a Marriage between thoſe that will never come together: But however, *in conferendis honoribus preſtat eſſe prodigum quam parvum*, therefore I cannot but much approve it. You ſhall receive herewith your Commiſſion of Notaryſhip and Subſtitution, to be ſigned by you for Mr. Exton, which I pray return at your Leiſure. Your Authority for the Office from the Dean of Weſtmiſter ſolely, is ſufficient for the preſent; but only if the Dean be removed, as it is probable his own great Worth will e're long call him to an higher See, it does not bind his Succeſſors; therefore I would have it granted from the Dean and Chapter; to which Purpoſe I would have you write a Line or two to the Dean, and I will have a new Patent drawn for that Purpoſe. I am yours,

G. Sweet.

Doctors Commons, Oſ. 20. 1663.

To Dr. Jenkins.

SIR,

YOUR Letter occaſioned me to peruſe the Paper I received before from you, and there I find, that one of the Questions *inter Comitiales*, was meerly in the Civil Law; whereas they muſt have *aliquod affine* with the Laws of the Land, and not directly oppoſite to the Tenet of the Municipal Laws, as in ſome Caſes it may happen to be: *Ex. Gr. an poena furti or adulterii ſit capitalis*; in both which the Municipal Laws determine againſt the Civil Laws, and the Praſtice of ſome other Kingdoms. And alſo, *an quis poſſit alienare aut tranſferre nomina debitorum in alium*; wherein the Civilians hold Affirmatively, the common Lawyers Negatively; they call it *choſe en action*, not improperly, and that they ſay cannot paſs by Deed to another. And this is not unlike it, *an actiones poſſint vendi*, and many others there are, which I need not mention at preſent. I don't remember, that ſince that Statute was made, any ſuch Queſtion was *conſulto* handled, but that may be known by ſearching the Register, what Queſtions were ventilated *in comitiis* from Anno 1630 to 1640. And it is not likely the Reſpondent, being a young Man, as he is commonly a Batchelor of Law, ſhould be ſo ſkilful, as to chooſe ſuch a Queſtion purpoſely. But be it ſo, all the Profeſſor is to do *in comitiis* is, when he comes into his Seat to propoſe the Queſtion, or to have one of the Inceptors to propoſe it to the Reſpondent, and then he is to repeat them, and to ſignifie how he holds them Affirmatively or Negatively. Then the Profeſſor is briefly to ſtate one Queſtion, and ſo proceed to the Creation; and then to appoint the Senior Doctor to diſpute, and the Reſpondent is to answer; for after the Creation is paſt, the Profeſſor is to ſpeak no more there. I earneſtly pray you ſpeak no more of any Gift of mine, for I proteſt what you have receiv'd, or are to receive, is leſs than my Deſire, or your Merits. I am, &c.

G. Sweet.

Doctors Commons, May 14. 1663.

To the Earl of Abington.

MY LORD,

IT was very much my Deſire, ever ſince I received the Honour of your Lordſhip's Letter of the 2d of laſt Month, to ſpeak upon it to my Lord Biſhop

of



of *Oxford*, whom I knew to be then in Town, and should be glad to have a Command from my Lord Bishop, and the University, to declare any Thing to his Majesty in Council, whereby the Town, without Opposition, might find their Convenience, and the University no Inconvenience. I should most readily do it, as desiring nothing more heartily, than the settling of a lasting Peace and good Understanding between those two Loyal Bodies. These 2 Points about the 8 Aldermen and the 4 Fairs, seem to me most likely to be yielded to by the University, with those Limitations mentioned in your Lordship's Letter. But I beseech your Lordship to consider, how necessary it is for the University to have a *Salvo* of all their Privileges, particularly of the Night Watch, in the City Charter now intended to pass; since it hath lately been brought in Question by the Town, to the great Trouble and Expence of the University, notwithstanding a solemn Judgment in point against the Town not long ago obtained in *Westminster-Hall*. Besides, it is not to be wondered at, that the University upon this Occasion hath Recourse to the Justice and Clemency of our most gracious King, to be preserved and secured in the Possession of the Night Watch, in Regard the very Being of the University, in Matter of Discipline, depends upon the Exercise of that Point of Jurisdiction, as it is now practised. I should not presume to press this to your Lordship, but that it is in my humble Opinion, upon the Insight I have had into the University's Charters and Records, that the Night Watch is the University's, by many ancient and modern Grants, confirmed by constant and uninterrupted Usage and Possession; and that that Watch, as it is claimed and exercised by the University, is well consistent with the Watch and Ward that the City claims to belong to it, as a Borough, by the Common Law of *England*. And this the Decree in King *James's* Time doth explain and settle; a Transcript of it, as far as it concerns this Controversy, I take Leave to inclose to your Lordship, to the End you may please to bestow some of your judicious Thoughts upon it. My Lord Bishop of *Oxford* gives me to understand, that my Lord Keeper, when he spoke with him, seem'd to like the Proposal which he had made, *viz.* That the *Salvo* should be worded as it was stated in the Determination by *K. James*. I hope your Lordship will find no Reason to oppose that *Salvo*, since the University desires no more but to continue as they are; and that they will always have a true and faithful Respect for your Lordship, as becomes their Loyalty to the King, whose Service they see you so heartily to intend, and so eminently to promote. I am, &c.

*L. Jenkins.*

*Hammermith, May 10. 1684*

M<sup>r</sup>. VICE CHANCELLOR,

*London. July 18. 1664.*

THE Return you sent was yesterday put into Court, and upon the reading of it, as I remember, these Objections were taken to it. 1. That it was in the Chancellor's Name, whereas the Writ was directed to the Judge of the Court. 2. That the Cause was not particularly enough expressed. 3. That the Privileges there claimed were unreasonable, as that it should extend to all Places of *England*, and that it should be of all Pleas, &c. except Freehold, &c. 4. That it pretended to be a *Superfedeas* to that Court. To the 1<sup>st</sup> it was answered, That the Chancellor was the Judge of the Court, and that others acted but as his Substitutes in his Absence, and all Process and Sentences were in his Name. To the 2<sup>d</sup>, That *actio injuriarum & damni dati*, was the Style of the Action in this Court, and answering to an Action of the Case at Common Law. To the 4<sup>th</sup>, That it was only a Prayer that the Court above would supercede their Writ. In all which the Court, I think, was satisfied; but as to the Words of the Charters, though they were shewn to be confirmed by Acts of Parliament, and made as effectual, as if *verbatim* recited; and though it was not denied, but the Words of them did fully reach the Case, yet, I know not why, the Court insisted to have the Body of the Defendant, and made a Rule that a new *Habeas Corpus* be issued out, *sub pena* 200*l.* and Cause to be shewn next *Thursday*, why an Attachment should not go against the Judge of the Court, meaning *Dr. Jenkins*. Now I shall not presume to interpose my Advice, but what was suggested in *Dr. Jenkins's* Letter to me, *viz.* That he thought there would appear Cause enough upon the Merits of the Matter, and the Want of prosecuting by the Plaintiff to dismiss the Cause in your Court, and set the Party at Liberty, I think may be a good Expedient; and I wish the Course he advised had been taken sooner, for the Contents of the Libel to me do not seem a good Ground of an Action; so that I believe, if the Defendant do but appear,

and

and alledge the Insufficiency of it, the Cause may be dismissed without further Trouble ; and therefore whether you may not think fit to do so, by calling a Court before further Proceſs come down, I ſubmit to your Conſideration, and am yours,

John Wallis.

To Dr. Jenkins.

SIR,

Oxon, Octob. 31, 1667.

THE Cogniſance of all perſonal Actions whatſoever, (Maim and Felony only excepted) where a Scholar, or Scholar's Servant is a Party, hath as well by Preſcription as by Grant, belonged to the Chancellor of the Univerſity of Oxford; and this hath been thought ſo neceſſary for the well Government of the Univerſity, that at leaſt from K. John downwards, it hath been granted and confirmed by almoſt every King and Queen that hath reigned; and ſtill as any new Objections or Eviſions did ariſe, new Clauſes were inſerted to obviate or explain them. As in K. Henry III. Time, in a Concurrence of Privilege (the Conſtable of the Caſtle of Oxon pretending an Exemption of the King's Jews, as under the King's ſpecial Protection) it was firſt found by Verdict, and afterwards ſolemnly adjudged, that the Univerſity's Privilege was to have the Preference; and afterwards the ſame was inſerted by particular Words in other Charters. In Ed. I. a Scruple was made, becauſe the Privilege was not claim'd before *imparlance*, and thereupon a ſpecial Writ was directed to the Juſtices of the King's Bench, to allow the Privilege notwithstanding; and in following Charters was inſerted the Clauſe, *tam in cauſis jam pendentibus quam poſtea inchoandis*. In the Caſe of Prohibitions, it is particularly granted, that the Chancellor ſhould proceed *non obſtantibus prohibitis regis*, by Charters of Hen. III. Ed. I. II. III. and ſo downwards; and the like for other Writs whatever from Superior Courts, the Chancellor is not to be moleſted in the Exerciſe of his Jurisdiction, but to proceed notwithstanding; and many ſuch Proceedings have been allowed, as you may find by the Preſidents and Inſtances hereunto annexed. As to the Objection, that no Privilege is to be allowed againſt the King, it is provided againſt by that Clauſe, *etiāſi tangat nos heredes vel ſucceſſores noſtros vel miniſtros noſtros quoscuq;* in the Charters of Hen. IV. and Hen. VIII, &c. which hath been ſo ſtrictly obſerved formerly, that the Chancellor hath been allowed his Claim of Cogniſance in his own Caſe, (as in Dr. Chares, in the Reign of Hen. VI.) upon an Indiſtment in K. B. for an Aſſault on a Marſhal of the Court, executing a Writ of that Court (it ſeems) on a privileged Perſon. And by the Charters of Ric. II. Hen. IV. Hen. VIII. &c. all Judges, Juſtices, and Miniſters whatever, are required not to intermeddle; and in caſe they ſhould intermeddle, yet to ſuſceiſe upon the Chancellor's Monition, or Intimation. When it was a Queſtion, whether Grants in general Terms, without particular Enumeration, would be concluſive; to obviate this, in the Charters of Ric. II. Hen. IV. Hen. VIII, &c. are very large Enumerations, both of Cauſes, Judges, and Courts, cloſed with general comprehensive Words, and that Expreſſions in general Terms ſhould be interpreted as valid, as if more particularly expreſſed and recited, and that the Words and Clauſes ſhould be interpreted moſt ſtrongly in Favour of the Univerſity: And leaſt all theſe Privileges might be thought not grantable by Charter, or the ſole Authority of the King, they are by Act of Parliament, 13 Eliz. not only confirmed, but Enacted to be as valid in Law to all Intents and Purpoſes, as if the ſaid Charters were *verbatim* recited in that ſaid Act; and the Subſtance of thoſe Privileges, tho' not in ſo full Words, have been by former Parliaments granted, as in the Times of Ed. II, &c. and unleſs theſe Rights be allowed us, the Government of the Univerſity cannot ſubſiſt. The Vice Chancellor's Officers cannot arreſt a Perſon, or execute a Writ, but they are preſently ſued for it in the Courts above; and though perhaps it be but a Matter of 40 s. it ſhall coſt the Univerſity as many Pounds to defend their Jurisdiction *toties quoties*. The Towns People always countenancing all vexatious Actions of this kind, and frequently bearing the Charges of them. Eſpecially ſince my Lord Chief Baron Hales reſuſed to allow Mr. Wilkins his Privilege in the Exchequer. In Confidence of which Preſident, they now lay their Actions in the Exchequer; of which kind there are ſeveral there now depending. Particularly that of Prince againſt Litchfield, and Powis by quo Minus, for arreſting Prince upon the Vice Chancellor's Warrant, and imprifoning him till he put in Bail to anſwer. And Fiſh Lyne ſupported by the Town at this Time, moleſting the Vice Chancellor and Proctors, and queſtioning their Jurisdiction againſt him for Tipling and Noſtivation,

tion, and many other Instances of like kind. So that if such vexatious Proceedings receive Countenance above, it will be impossible to preserve either the Jurisdiction, or good Government of this Place, in any tolerable Order. It having already cost the University, within these few Years since his Majesty's Return, some hundreds of Pounds, to defend themselves against these vexatious Actions. And for preventing of which, the Care of our Princes hath been in former Times so great, as to fence our Jurisdiction against it by all Means imaginable. It being of that great Concern, that the Governours of the University, who are intrusted with the Education of the Youth of the whole Nation, might be in a Capacity to keep this Place in Quietness and Order, and to prevent Wickedness and Debauchery. And that which is aimed at by *Prince* is such a notorious and publick Injury, as we hope no reasonable Person, or Court of Justice, can think fit to countenance it. The Townsmen making it their Business to ingross all Trade, that they may sell at excessive Rates; nor will suffer any Foreigner (no, nor Citizen, if not free of their pretended Corporation of Mercers) so much as to sell in open Market, any Commodities which they call Mercery Wares, which they extend from Linen and Woollen Cloaths, Stuffs and Silks, even to Mouse Traps and dark Lanthorns. And whosoever shall sell thereof, they vex by Threatnings, Suits, Arrests, Informations, Indictments, and all the vexatious Ways they can imagine. And for arresting one of their Serjeants for throwing down a Foreigner's Wares, and spoiling them, for being exposed in open Market to sell, is the Cause of *Prince's* Action; which we hope will appear to be so unreasonable, as not to find any Countenance or Allowance. And though in one Case the Chief Baron did refuse the Plea of Privilege, because then we had not Presidents ready to show, that it had been allowed in the Exchequer against the King's Debtor, as they call it; yet we hope, since our Charters are so full, and such Privileges have been formerly allowed, when his Lordship sees so just a Claim derived to us, by such Numbers of Royal Grants and Confirmations, (though it must be confessed they have not met with the same Success at all Times, or in all Places) that he will think fit for the future to allow them to us. This is somewhat, SIR, of what may be properly urged on our Behalf, why *Prince* should not be countenanced in such vexatious Proceedings; the rest, I doubt not, will be fully supplied by yourself. I am, &c.

*John Wallis.*

To Dr. Jenkins.

SIR,

Oxon, OFeb. 27. 1667.

I Thank you for the judicious Hints you was pleased to impart to me in your Letter of yesterday, they have been very serviceable to me in my Searches, and are a fresh and convincing Proof to us, how much your Thoughts and Inclinations are for the Service of the University. But I do not find that there was any Composition made between the University and Town, *Anno 3 Ed. III.* as your Letter to Mr. Vice Chancellor intimates: But *An. 22 Ed. III.* there was some such Composition, of which I have found the Original in *French*, and have here sent you a Copy of it, which I can attest to be true, having written and examined it myself. That which therein doth most concern our present Business, is the Acknowledgment of the Town, that the Chancellor hath Cognisance of Townsmen, as well as Scholars, and *ex officio*, as well as at the Suit of the Party, and particularly in Disturbances of the Peace, and in Matters which concern the University, as an University; in which Cases they are bound to appear in Person, and not by a Proctor; in other Cases indeed they may constitute a Proctor if they please, save where the Chancellor, for some just Reasons, shall see Cause to require a personal Appearance. But upon what Occasion this Composition was made, I cannot tell, nor do I yet find the Petition you mention, of the Townsmen to the University. I remember somewhat to that Purpose, in a Business concerning the Mercate, as Picage and Stallage, &c. But I take it to be about *Hen. VI.* his Time; and I believe the like was about 26 *Ed. I.* for there was then a Conflict between the University and Town, and afterwards a Composition. For Presidents of Privilege in the Exchequer I have two of *Cambridge*, one of *J. Pooley*, upon an Information about Card-making, *ex libro ordination. Scacc. de term. Hill. 7. Feb. 24. Eliz.* The other of *J. Parker*, upon an Information about selling of Wines above the Value dismissed upon a Privy Seal. *Hill. 28 Eliz. rot. 125. ex parte Remerq. Reg. in Sec.* and yet the Barons of the Exchequer are not more particularly mentioned in their

their Charter than in ours; as may be seen in *Jo. Lilly's Case, Hill. 1636. in Ban. Com.* where the University's Plea was allowed after *imparlance*. This in hast from yours, &c.

*John Wallis.*

*To the Bishop of Oxford.*

MY GOOD LORD,

May 16. 1684.

MY Lord Keeper told me, that the City of *Oxford* are resolved not to admit of any Mention of the Night Walk in their New Charter, and that they will betake themselves to their other Alternative, *viz.* To take a new Charter without their new Aldermen or their Fairs in it: What occurs to me since upon it is, that the University hath already accepted of that Expedient, which my Lord Keeper had taken upon himself to satisfy the King, they ought to enter into, and acquiesce in: And I hear they have receiv'd an Express from my Lord *Abingdon*, by which they were directed to wave all Arbitration, and to insist upon the Alternative, to have their old Charter renew'd, as without any new Concessions to them, so without any other *Salvo* to us than that in *K. James's* Charter. His Letter I carried next Morning to *Hampton Court*, and went with my Lord Keeper to the King, and acquainted him with the whole Matter. It was my Lord Keeper's Advice to the King, to let Things pass just so, and to renew them their old Charter, without the Addition of any Thing new, if I had nothing to say against it, the University, in the Opposition they first made, having pretended no other than to set aside those new Privileges that the Town asked by their Petition. There was one Thing my Lord Keeper told me further upon this Occasion, upon which I desire your Lordship's Reflexions, which was, that the University had yet one Way left to secure their Night Watch, far better than by any *Salvo*, *viz.* that the King should be pleased to direct his Writ of *Quo Warranto* against the University, to shew by what Authority they claim this Usage of the Night; and then that Mr. Attorney, upon so full a Proof as we think we are able to make, could not but confess it judicially: Though nothing falls from my Lord Keeper, but with great Judgment and Knowledge, yet I shall not carry this Proposition to the King, till it is thoroughly digested and consider'd. The greatest Objection that I have yet to it is, that it looks too much like a Trick, or a Piece of Legal Covin. Besides, I do not so well know, whether the Form of Common Law may not admit a third Party (the City of *Oxon* for Instance) to come in, in Aid of the King against this Privilege, and to hinder the Attorney to confess till they be heard for the Townsmen, who pretend to be exempt in this Point from the Power of the Vice-Chancellor; which if my present Apprehension, or rather my Conjecture, happens to be right, will make it both tedious and expensive to the University, and consequently not answer the End proposed. I am, MY LORD, &c.

*L. Jenkins.*

*To the Reverend Dr. Parry, Dean of Christ-Church in Dublin:*

SIR

May 2. 1669.

MY Return had not been thus slow, had not my good Friend your Brother promised to call for my Answer. I have shewed the Case which you was pleased to send me, to Sir *Giles Sweet* Dean of the Arches, for whose Judgment and Experience all Men here have a singular Deference and Veneration; and I shall crave Leave to return you this Answer in his Name as well as in my own, *viz.* That there are many Causes of Appeal out of that Kingdom, whereunto both he and I have the Honour to be called by his Majesty's Commission; therefore dare not give any Opinion upon the Merits of this Cause, least it may happen to come before us, among others, upon Appeal. But if we were at Liberty, we think it a very unsecure Thing, and will be as little to your Satisfaction, for us to pronounce, in a Case whereof we have not the Merits *per extensum*, and some Prospect into the Quality and common Repute of the Parties principal, and the Witnesses of the one Side as well as of the other, tho' possibly they may stand without Exception in the Process. I am, &c.

*L. Jenkins.*

*The Commissary of Canterbury's Plea in Behalf of his Claim to the Prerogative Wills and Administrations of and within that Diocese.*

**I**T will be confessed on both Parts, that the Fountain whence this Prerogative is derived to, and upon both him and the provincial Commissary, is the Archbishop of *Canterbury*; who, among other Rights and Privileges of his See, hath *Sede plena*, as the Dean and Chapter have *Sede vacante*, an undoubted Right to the proving of all Wills, and the granting all Administrations, of such as dwell and die within the Province of *Canterbury*, and at their Death leave *bona Notab. in divers. Diocef. &c.* In full Possession whereof they have clearly been for 450 Years and upwards: Within which Time, although it have been several Times impugned and questioned by the Suffragans, both before the King and the Pope, (as in *Peckham*, *Moreton*, and *Warham's* Time) yet hath it always obtained, and in *contradictorio judicio* prevailed.

It must likewise be granted and confessed on each Part, or if not, may be easily proved on the Diocesan Commissary's Part, that anciently, and for many Successions, the Archbishop did reserve the Exercise and Execution of this Power and Right *per totam provinciam* to himself immediately, *Sede plena*; and the Prior and Chapter also did to themselves, *Sede vacante*; not delegating it by Patent or Commission to any peculiar Judge; only in Case of Difficulty, or Contest, calling to their Aid and Assistance, especially in the taking and auditing Accounts, their *Causarum Auditores*, or some such like Domestick Judges, who always attended and followed their Persons, for their Directions in the Formalities of Law. And at length were, as sometimes the Vicars General, sometimes the Dean, nay, and sometimes the Register of the Arches; now one, then another of them, delegated and empowered by the Archbishop, when especially *in remotis*, or indisposed, either by Sickness or some important Diversion, to supply and act for them as their Commissary.

THAT in Process of Time, and whilst the Exercise of this Prerogative was yet for the most Part in the Archbishop's own Hand, and before his Erection of a standing constant Prerogative Court and Office, *viz.*

\* Ascribed to Archbishop Dene, in Hen. VII. since 1502.

\* For 260 Years past and upwards, the Archbishop consulting not only his own Ease from this Trouble, but the Ease and Benefit also of the Subjects of his own peculiar Diocese, from whence his Dignity is denominated, and for some Improvement of his Commissaryship there, both in Point of Honour and Profit, thought fit to grant what his Successors thought as fit to continue to his Diocesan Commissary, so much of this Prerogative as might concern the Diocese. For in the Year 1458, the then Archbishop Cardinal *Bourghier*, granting to *David Blodwell* a Patent for the Commissaryship of *Canterbury*, gave him therein express and special Power for the Exercise of this Prerogative within the Diocese of *Canterbury*; witness the Prerogative Clause therein now extant.

BUT this was not the Rise or first Beginning of the Diocesan Commissary's Power in this respect; for albeit this be the first register'd Patent of that Nature, yet that it was on Foot before, and also by special Deputation and Warrant from the Archbishop for the Time being, will clearly hence appear; that from the Year 1400 downwards until *Blodwell's* Time, a Multitude of Prerogative Wills are found to have been proved by and before several Commissaries of *Canterbury*, as specially empower'd for it (for so the *probat* runs in *terminis*) by the Archbishop; amongst the rest, the Will of one Judge *Martin*, (an eminent Person) about which Archbishop *Chicheley* 1436, being, by his then Commissary of *Canterbury*, consulted, in Reference to a Passage or Clause in the Will, of some Tendency to the Prejudice of Ecclesiastical Jurisdiction, he called not away the Will from his Commissary as from an incompetent Judge, but expressly order'd him to proceed in proving of it, excepting only that derogatory Clause which he order'd to be expunged.

AND every one that has succeeded that Commissary *Blodwell*, have had the Prerogative Clause in their several Patents, so did they from Time to Time accordingly practise, whereof their Register Books are copious in Examples: Both which, (Patents and Usage) upon full Hearings before Four several Archbishops, (*Whitgift*, *Bancroft*, *Abbot*, and *Laud*) being produced and pleaded in Justification of the Commissary of *Canterbury's* Claim in this Case, they have ever been allowed, and the Commissary warrant'd to proceed: Not indeed by any Order in Writing, which was conceived needless, in Regard he had *jus scriptum* for it by his Patent; which every

every Archbishop, since the first Dispute about it, hath renewed and reinforced, and wherewith constant Usage, Practice, and Prescription, have ever since concurred. Nor have those Emissaries from the Prerogative Court at *London*, or their Apparitors, been permitted to range about in this, as in other Dioceses; but as one *Dabbs* by Name, in Archbishop's *Laud's* Time, was no sooner sent Abroad, but upon Complaint to the Archbishop called Home and suppressed.

If it be objected, that the Archbishop hath not, nor can have but one Prerogative, it is confessed; nor doth the contrary hence follow; for the Diocesan Commissary exerciseth no *divers*, or other, but one and the same Prerogative, and by the same Authority, with the Provincial. Herein only do they differ, that the Provincial exerciseth it generally *per Provinciam*, the Diocesan only particularly *per Diocesin tantum*. And that not *privative* neither, but *cumulative*, (as it is with the Arches and Audience Courts of concurrent Jurisdiction) granting the Provincial to have a like and equal Power with him in this Particular. So that if by Prevention, (as in like Cases of Concurrence) he have Priority of Possession, the Diocesan Commissary sits him down contented and desists. Upon which Account (that both Judges exercise but one and the same Prerogative) it comes to pass, that when two Administrations, as sometimes have been on Foot, the one from *Canterbury*, the other from *London*, that from *Canterbury* having the Start and Precedency in Point of Time, hath, *eo nomine*, upon a Trial at Law, obtained and taken Place of the other.

If hereupon it be objected, that Inconveniencies may (as indeed sometimes there do) follow this Concurrence, the Remedy is humbly referred and submitted to his Grace, with Hopes that it may be, by abridging rather of his Provincial Commissary, (by laying some Restraint on the Generality of his Power, in Behalf and Favour of the Diocesan) than of the Diocesan, whose Place and Jurisdiction is scarce worth the Execution, either to Judge or Register, without it; and by the Loss whereof, that other End and Design for the first granting of it to him, *viz.* the Ease and Benefit of the Subjects of his Grace's peculiar Diocese, will be defeated.

If this be not feasible at present without Consent, yet upon the next Vacancy of the Provincial Commissary's Place, it will. For then (as before the Erection of that Court) it will be in his Grace's Power to set what Bounds he pleases to the Power of the succeeding Judge, by an Exception of his peculiar Diocese out of his Patent, or by calling back the Power into his own Hands, and dealing it out to as many Commissaries as he shall see good. In the mean time, for preventing much Disorder and Inconvenience, by the two Commissaries interfering one with another, may his Grace be pleased so to order the Matter between them, that which of them shall be first possessed of the Matter, (whether a Will, or an Administration) he shall forthwith give Notice of it to the other; upon which Notice, the other to forbear intermeddling, and to leave the Matter *prius occupanti*.

To his Grace the Lord Archbishop.

MY LORD,

*Canterbury, March 29. 1668.*

**B** EING in this City, and in my Way to the Cinque Ports, about some Admiralty Affairs, by his Royal Highness's Command, I cannot but take Notice, that the Conventicles here are still very open and daring, notwithstanding his Majesty's late Proclamation; which, it seems, hath not yet been published in this City to this Day. There were above 300 People at a Meeting assembled here this Forenoon, and as many in the Afternoon: The Work was managed by Four Nonconforming Ministers, three of whom were ejected long since out of Cures in this Town, and stand convicted according to the Statute against their residing in Corporations. How the Proclamation comes not to be published here, as it is in the Neighbouring Towns, I cannot certainly learn; but Mr. Mayor, as I am informed, has declared, he will not publish the printed Copies that are here in private Hands, nor will act in Pursuance of them, till he does receive a Proclamation with a Writ in the usual Way. MY LORD, I do not take upon me to offer my poor Reflexions on the Consequences of this Case, and how prevailing an Example this City may be to other Places of your Diocese, if it is suffered to continue undisturbed. But when I consider your Grace's Zeal for, and Interest in the Honour and Peace of his Majesty's Government, and your great and constant Vigilance over this particular Diocese, I think it my Duty not to suffer a Matter of Fact

of this kind to escape your Grace's Notice, that your Grace may make such Provisions, as to your great Wisdom shall seem meet; and apply such proper Remedies, as may be for the Honour of his Majesty, and the Security of the Publick Peace. I am, &c.

*L. Jenkins.*

*To Dr. Jenkins.*

*Lambeth-House, June 8. 1669.*

SIR,

**A**FTER my hearty Commendations, &c. you cannot choose, as well as I, but be alarm'd on all Hands, with continued Reports of the Frequency of Conventicles, and unlawful Meetings of those, who, under a Pretence of Religion and the Worship of God, separate from the Unity and Uniformity of God's Service, to the great Offence of all, and Fear of many, his Majesty's most faithful Subjects, who love and truly endeavour the Peace and Prosperity of the Church and State. His Majesty in Publick lately speaking much against these disorderly Meetings, and expressing an Indignation against all Reports of him, as if he either favoured or connived at them, was pleased (after he had laid some Blame upon the Bishops, for want of Care in this Affair) to declare, that henceforward they should not want the Assistance of the Civil Magistrate to suppress them: Inasmuch, that if hereafter any Bishop shall complain to any Justice, and require his Help; if such Justice do not his Duty therein, then let the Bishop certify, that his Majesty may know who they are that neglect his Service.

Now, SIR, that I may discharge my Duty in my particular Diocese, I do hereby desire and require of you, that having communicated this my Letter to the Reverend Dr. *Sancroft*, Dean of *St. Paul's*, and Archdeacon of *Canterbury*, you consult him for his Advice thereupon; and that by the Assistance of him, and your Officials and Officers, and all and every the Parochial Ministers, Parsons, Vicars, and Curates, and by all other Persons and Means which shall be thought best, you will make speedy Inquiry throughout my Diocese, as well in Places exempt as not exempt, what and how many Conventicles, or unlawful Assemblies, or Church Meetings, are held in every Town and Parish? What are the Numbers that usually meet at them? And of what Condition or Sort of People they consist? And from whom, and upon what Hopes they look for Impunity?

WHEN any such Conventicles are found out, if by the Ecclesiastical Power, and Authority they cannot be restrained, you are to complain to the next Justice or Justices of the Peace; and if they fail to assist, it will be your Part to certify their Neglect: Which if at any Time there shall be Cause to do, be sure your Certificates be made upon good and true Grounds, such as may be evidently proved, that there be no Failing when we expect Redress.

THESE Things you are desired to put in speedy Execution, and with all Diligence to make your Returns to me; whereupon you shall receive further Advice and Instruction. And so I bid you heartily farewell, and am, &c.

*Gillb. Cant.*

### POSTSCRIPT.

SIR, To the Enquiries about Conventicles, (in the Body of my Letter) I think fit that these two following be added; and I do desire, that, together with the rest, they may be enquired into, *viz.* Whether the same Persons do not meet at several Conventicles, which may make them seem more numerous than indeed they are? And whether you do not think, they might be easily suppressed by the Assistance of the Civil Magistrate? The greatest Part of them being (as I hear) Women, Children, and inconsiderable Persons.

*G. Cant.*

*Right Worshipful Mr. Commissary and Reverend Mr. Archdeacon,*

**I**T having pleased his Majesty and the Two Houses of Parliament, out of their pious Care for the Welfare of this Church and Kingdom, by making and publishing the late Act for preventing and suppressing Conventicles, to lay a hopeful Way for the Peace and Settlement of the Church, and the Uniformity of God's Service in the same; it becomes Us the Bishops, Ecclesiastical Judges and Clergy, as more particularly sensible of the good Providence of God, to endeavour, as much as in us lies, the promoting so blessed a Work: And therefore having well consider'd what will be proper for me in my Place to do, I have thought fit, and



and do hereby recommend unto you, as my Commissioners, jointly and severally, those Counsels and Methods, which I desire that in my stead throughout my particular Diocese of *Canterbury*, as well in Places exempt, as not exempt, you will pursue: And which I have also, by my Letters, given in Charge to all the rest of my Brethren, the Bishops of my Province, being thereunto encouraged by his Majesty's Approbation, and express Direction in this Affair.

IN the first Place therefore I advise and require you, that you call before you not only all Officials, Registers, and other Ecclesiastical Officers within my Diocese; but that also by such Means, and at such Places as you shall judge most convenient, you assemble before you, the several Parsons, Vicars, and Curates of my Diocese and Jurisdiction, within their several Deaneries, and that you impart unto them respectively, as they shall come before you, the Tenour of these my Letters, requiring every of them, in my Name, that in their several Capacities and Stations, they all perform their Duty towards God, the King, and the Church, by an exemplary Conformity in their own Persons and Practice, to his Majesty's Laws, and the Rules of the Church in this Behalf.

2<sup>dly</sup>, I advise, that you admonish and recommend to all and every of the Parsons, Vicars, and Curates, within my Diocese and Jurisdiction, Strictness and Sobriety of Life and Conversation, checking and punishing such as transgress, and encouraging such as live orderly; that so by their Vertue and religious Deportment, they may show themselves Patterns of good Living to the People under their Charge. And next, that you require of them, as they will answer the contrary, that in their own Persons, in their Churches, they do decently, solemnly, and devoutly perform the Divine Service, by reading the Prayers of the Church, as they are appointed and order'd in the Book of Common Prayer, without adding to, or diminishing from the same, or varying either in Substance or Ceremony, from the Order and Method which by the said Book is prescribed; wherein I hear, and have Reason to be afraid, too many do offend; and that in the Time of such their officiating, they ever make Use of, and wear their Priestly Habit, the Surplice and Hood. That so by their due and reverent Performance of so holy a Worship, they may give Honour to God, and by their own Example, instruct the People of their Parishes what they ought to teach them in their Doctrine.

3<sup>dly</sup>, HAVING thus counselled the Ecclesiastical Officers, and the Clergy of my Diocese, in their own particular Duties, you are further desired to recommend unto them, the Care of the People under their respective Jurisdictions and Charges; that in their several Places they do their best to persuade and win all Nonconformists and Dissenters into Obedience to his Majesty's Laws, and Unity with the Church: And such as shall be refractory, to endeavour to reduce by the Censures of the Church, or such other good Ways and Means, as shall be most conducing thereunto. To which End, I advise that all and every of the said Ecclesiastical Judges and Officers, and all and every of the Clergy of my Diocese, and the Churchwardens of every Parish, by their respective Ministers, be desired, in their respective Stations and Places, that they take Notice of all Nonconformists, Holders, Frequenters, Maintainers, and Abettors of Conventicles, and unlawful Assemblies, under Pretence of Religious Worship, especially of the Preachers and Teachers in them, and of the Places wherein the same are held; ever keeping a more watchful Eye over the Cities and greater Towns, from whence the Mischief is for the most Part derived into the lesser Villages and Hamlets. And wherever they find such wilful Offenders, that then, with a hearty Affection to the Worship of God, the Honour of the King and his Laws, and the Peace of the Church and Kingdom, they do address themselves to the Civil Magistrates, Justices, and others concerned; imploring their Help and Assistance for Prevention or Suppression of the same, according to the said late Act in that Case made and set forth.

Lastly, FOR the better Direction to all those who shall be concerned in the Advices given by this Letter, I desire you will give out amongst the Ecclesiastical Officers and Clergy, as many Copies of the same as you shall think most conducive to the Ends for which it is designed.

AND now what the Success will be, we must leave to God Almighty; yet I have this Confidence under God, that if we do our Parts now at first diligently, by God's Help, and the Assistance of the Civil Power, (considering the abundant Care and Provisions this Act contains for our Advantage) we shall within a few Months see so good an Alteration in the Distractions of these Times, as that the seduced People returning from their seditious and self-seeking Teachers, to the Unity of the Church, and Uniformity in God's Service, will be to the Glory of God, the  
Welfare



Welfare of the Church, the Praise of his Majesty's Government, and the Happiness of the whole Kingdom. And so I bid you heartily farewell, and am, &c.

*Lambeth-House, May 7. 1670.*

*Gilb. Cant.*

*To the Reverend Mr. Sumner.*

SIR,

I Send you here inclosed the Copy of a Lettter which I had the Honour to receive from his Grace my Lord Archbishop of *Canterbury*; when you have perused it, you will, I doubt not, very readily communicate it to the Neighbouring Ministers of that Deanery wherein you are; as also do your Part, that his Grace may miss nothing of that Service and Satisfaction, which may be reasonably expected from the Method and Account therein proposed. If you be put to remonstrate (according to his Grace's Directions) against any Person or Persons of your own peculiar Charge, as an Offender against the Laws and Uniformity established, his Majesty's Justices, to whom you shall address yourself, will be sure the more highly to value your Charity and your Prudence, if it do appear at the same Time, that you have, by particular Applications and private Conferences, (at least offer'd at on your Side) endeavour'd, with all Concern and Tenderneſs becoming your Fatherly Care, to evince unto such as you are forced to complain of, the Errors of their Way. For all the other Particulars, I refer you to the Letter itself, and shall be glad (in case you meet with any Doubt or Difficulty in the pursuance of it) to give you such further Satisfaction, as my Lord's Grace shall think fit to impart unto, SIR, your loving Friend,

*L. Jenkins.*

*To the Clergy of the Diocese of Canterbury.*

*My Reverend and worthy Friends,*

MY Lord's Grace of *Canterbury* having appointed you to disperse the Briefs for the Redemption of Captives, to the ſeveral Pariſhes of your Deanery, he hath commanded me to let you know, how particular and deep his Concern is for the Management of this Charity, with that Zeal and good Discretion it requires in the present Juncture.

HIS Grace doth not think it needful, that I should insist to you upon the Subject Matter of the Brief itself, ſince nothing can be added to thoſe moving Topicks, which his Majesty himself is pleas'd to use in thoſe Briefs; nor shall I presume to alter any Thing in the Manner and Method to be used, either in the collecting, recording, or the returning hither, of what shall be given on this Account; only my Lord's Grace thinks fit to appoint Mr. *Hirst*, to receive and give his Acquittance for what shall be brought in from the respective Pariſhes, as a Person in whom his Grace entirely confides on that Behalf.

1<sup>st</sup>, THAT which I am commanded to suggest to you is, that you would be pleas'd in the first Place to sit down, and among yourselves to take a full View and a true Estimate of the State of every particular Minister in your Deanery; I mean, that you consider how able and how dextrous he is for this Service; and as you find him to need your Advice or Assistance, so to afford it him, either by your Presence and Help when the Exhortation is to be made, or else by your Application to such of his Pariſh, as you, or any of you, may hope to prevail with more effectually than he can.

2<sup>dly</sup>, THAT (as your selves, I doubt not, will) so you would exhort the other Ministers of your Deanery to study thoſe *Mollia Tempora*, (I mean the proper Seasons) wherein these Applications may meet the best welcome. And that you would not suffer any Minister to perswade himself the Work incumbent on him is done, when he has made his Exhortation in the Pulpit; he must pursue it Home to their Houses; and as he must not be discouraged where his Errand is not welcome, so he must not think he acquits himself as zealously as my Lord of *Canterbury* thinks he ought, unless he manage and pursue this Business with the same Contrivance and Earnestness, as if he had a Son of his own, now to be redeemed out of thoſe Chains, but by the Alms that himself should gather.

3<sup>dly</sup>, No Minister must grudge his Pains to his Churchwardens or otherwise, in order to collect and set down in Writing, the poorest Body's Mite; his Majesty requires it, especially where there are Books of Pariſh Accounts fit to record what

is now given (and some will not be the less forward to give, when they find their Names are to be fairly entered in a Book).

4<sup>thly</sup>, OUR Ministers must be advised not to be too hasty in closing up the Collections, but to stay some Time, in Expectation of a good Parishioner that is absent, or in Compliance with any other good Occasion that may increase the Sum: But above all Things, they must spare no Pains in joining with their Churchwardens, when they go about to the several Houses and Persons of their Charge: I hope it will not be needful for any Minister to intimate to his Churchwardens, that the Neglect of this Duty is not to be punished the ordinary Way, but by his Majesty's Council; and I should be very much troubled to see any Man of the Diocese fetch'd up hither by a Messenger, (which will be Matter of more than ordinary Expence) to answer for any Neglect or Contempt of so Christian a Duty.

I have no more to say, but that my Lord of *Canterbury* is all Zeal in this Affair, not only for the high Nature of the Charity itself, but also for the Interest the Church hath, in the well performing of the Clergy's Part; his Majesty is not only pleas'd to accept of what has been already done by his Clergy in this kind, but also to promise (in a manner) to himself, that my Lords the Bishops, and all the Clergy, will lay out themselves with all the Concern and Charity possible, in the faithful Discharge of this Duty, which his Majesty's Royal Favour and special Protection to the Church, may most justly expect and challenge. It being a Work not only of acceptable Obedience to the King's Majesty, but of high Religion to God, and Compassion most justly due to our Fellow Members.

Thus much I had in Command, and have nothing to add, but that I am with all Sincerity and Respect, &c.

*Exeter-House, Nov. 21. 1670.*

*L. Jenkins.*

*To the Earl of Arlington, Secretary of State.*

*May it please your Lordship,*

THE Question that I have the Honour to have put unto me, *viz.* What becomes of the Queen Mother's Personal Estate, that her Majesty died possessed of in *France*? seems to imply, that there is no Will of her Majesty's yet come to Light; for a Will would, as far as it should be found agreeable to the Laws of the Place, give the Rule in this Case. But whether there be a Will or not, the Queen Mother's Estate cannot be properly subject to the *Droit d'Aubaine* of *France*; for it cannot be imagined, that a Daughter of *France* shall so lose her Birth-right, as that the *Eisens* there shall succeed to her Estate, and not her own Royal Relations. However, her Majesty's Estate in *France* is so far subject to the Customs (I mean the Law) of the respective Provinces, where they happen to be situate, that an Estate (for Instance) in *Paris*, or in *Roan*, shall not pass either by the Letter of the Civil Imperial Law, nor by the Law of *England*, (though actually and by Will disposed of either Way) but shall be subject *pro tanto* to the respective Customs (which is a written Law that obtains under that Name) in *Paris* and *Normandy*.

By the Custom of *Paris*, our Sovereign Lord the King, his Royal Highness, MADAM, and by Representation the Prince of *Orange*, are equally to succeed, Share and Share alike in the Queen Mother's Estate, that lies within the District of *Paris*. Only if it were the Estate of a private Person, it would be considered, what any of the Sons or Daughters may have already received for their Advancement, and so much would be deducted respectively, as that each Share might be made equal, and bear its just Proportion with the others.

THERE may possibly be something peculiar to the Prince of *Orange*'s Case, which may bring his Pretensions under a stricter Debate; for if the late Princess Royal hath, in her Articles of Marriage, renounced all Shares in, and Right to all future Successions in her Royal Family, the Custom of *Paris* will in his Case (though the *Jus commune* will not) exclude the Prince her Son, if his Case be judged by the Measures of other private Successions upon that Place.

BUT it is possible, that his Majesty and his Royal Highness may meet with a more considerable Difficulty from the Pretensions of MADAM their Sister; for if the Queen Mother has, by way of Bequest, (very frequent among the *French*, which they call *Donation entre Vifs*) given and pass'd away one half or more of her Estate to MADAM, the Custom of *Paris* will not come in that Case to come in Share and Share alike with his Majesty and his Royal Highness; but MADAM declaring her Acquiescence in the Share given her by his Majesty, the Residue that is left undispensed of, is all that is like to come to his Majesty and his Royal Brother, and the

the Prince his Nephew, supposing him not otherwise excluded; only, if the far greater Part of the Estate should be given away to one in a private Succession, that one shall be bound to defalcate and make up a *Legitimè*, as they term it, (*i. e.* a Moiety of that which should have been each Child's Share, if they had come into the clear Estate, without any Donation *inter vivos* preceding) to the rest of the Children not otherwise provided for. But this is a moot Point, not so fully agreed by the Writers upon the Customs of *Paris*.

'TIS possible, MY LORD, that the greatest Strefs of all may be laid upon the *Droit d'Aubaine*, which may be pretended to disabie his Majesty and his Royal Highness to succeed the Queen their Mother, for that they have not been born, nor yet are Inhabitants, within the Allegiance of the Most Christian King.

THE Objection to me, MY LORD, under Correction, is very obvious; for, 1. The Parliament of *Paris* has, in the Year 1600, judg'd it in Point against the Duke and Cardinal of *Ferrara*, who notwithstanding his Plea of being a Sovereign Prince in *Italy*, and owned for Cousin and Ally by the Most Christian King, yet was declared incapable (for Want of being born or naturalized in *France*) to succeed to any Estate personal, as well as real, descended upon him as next of Kin, and the Estate was adjudg'd to a Native of *France*, tho' further off in Blood, than the Duke was, from the deceased.

2. IN the Treaty between the Emperor *Charles V.* and King *Francis I.* the *Droit d'Aubaine* is confes'd and determin'd to have that Effect: *Que les parens & heritiers d'aucuns, ayant terres ou heritages, ou biens meubles en France, ne peuvent succeder, avoir, ny posseder les terres, heritages, ou biens de leurs prochains parens, s'ils ne sont natifs de France.* In this Treaty, all the Inhabitants in the Provinces of the *Low-Countries* are exempted from the *Droit d'Aubaine*, and made capable to inherit in *France*, and by Virtue of this Treaty, the Testament of a *Hollander* made at *Arras* was adjudged a good Will, against the King in the Parliament of *Paris*, Feb. 1634. Whereas had it not been for this Treaty at *Cambray* 1524. (then *Holland* was under the Emperor) the *Droit d'Aubaine* would have taken Place.

3. THE Duke of *Anjou*, when he went King into *Poland*, apprehending this Effect of the *Droit d'Aubaine* upon his Issue, though himself was a Son of *France*, took out Letters of Naturalization, to preserve a Capacity in his Children (if he should have any in *Poland*) to succeed and inherit as born in *France*; and Queen *Katherine de Medicis*, tho' Mother to three Kings, thought herself not capable to inherit or dispose in *France*, till she was naturalized; and her Letters were clogg'd with this proviso, that she should leave none other, but Persons born in *France*, to her Heirs, otherwise the *Droit d'Aubaine* to take Place against them.

BUT I hope, MY LORD, none of these Objections will be strong enough to remove his Majesty and his Royal Highness from a Right so naturally devolved to them. For if so, it would render the Condition of the Queen Mother's Royal Descendants worse in this respect than that of her Majesty's Domesticks. For a *Frenchman's* Child that is born in the Queen's Service in *Somerset-House*, shall inherit and succeed to his Father and Mother in *France*, as entirely as if he had been born in that Kingdom. It is a Case very lately judg'd in Favour of one of the Domesticks of *Madam Royal of Savoy*, whose Children, tho' born of a *Savoy* Woman in *Turin*, succeed to all the Rights of their Father in *France*, and this by Arrest of the Parliament of *Paris*.

THIS *Droit d'Aubaine* is so much the more odious, and restrained in the Eye of the Law, as that every Body has the Liberty in *France* to purchase a Freedom from it, and every Merchant that trades into the Fairs at *Lyons*, and every Tradesman that can get to be free of the Town of *Bordeaux*, (what Country soever he happen to be of, unless he be *English* born) is by Custom, and legal Prescription, exempted of Course, and freed from the Rigours of this Law, and succeeds his Relations, as Natives of *France* do, without other Letters to naturalize them.

THE *Han'e* Towns, and all the *Low-Countries*, are privileged from it by antient express Treaties, and *Cromwell* got the *English* to be free of it by his Treaty 1654. All which put together, makes it very difficult to imagine, that so great a Monarch as his Majesty is, whom the Most Christian King has always treated as *Frere*, *Cousin*, and antient Ally, should have such an Objection as this of *Droit d'Aubaine*, oppos'd to his private Right, his Majesty's Royal Progenitors having succeeded for several Ages peaceably and successively, tho' born out of *France*, to the Dutchies of *Guinne*, *Arjou*, *Touraine*, *Maine*, (not to mention *Normandy*, or the Kingdom of *France* itself) and to other Seigneuries and Estates there, infinitely more considerable than the present Succession can be pretended to be, without any Pretence of the *Droit d'Aubaine* objected to them.

YOUR Lordship was pleased to recommend me to consult Sir *R. Wiseman*, Sir *W. Turner*, Sir *W. Walker*, and some other Civilians here, upon this arduous Point; but there is none of our Profession now at Home, save Dr. *Mills* and Dr. *Lloyd*, who are pleased, on Communication with them, not to disprove any Thing in these Lines, which come with all Duty and Submission possible from, &c.

*L. Jenkins.*

*Mémoire pour monstrez les droitz de S. A. R. Madame, sur la succession de la feüe Reyne d'Angleterre.*

**P**OUR connoître à qui la succession de feüe Madame *Henriette Marie de France*, Reyne d'*Angleterre* doit appartenir; il faut examiner en premier lieu, les clauses de son contract de Mariage, & en second lieu, quelz sont les biens quelle a laissez par sa mort.

Quant au premier point il est certain que la feüe Reyne d'*Angleterre* fut marié en 1625. avec *Charles* premier Roy d'*Angleterre*, il se void par son contract de Mariage du 8 May 1625, que le feu Roy *Louis XIII.* de glorieuse memoire son frere luy constitua en dot la somme de huit cens mil escus, Dont la moitié fut payé comptant, & l'autre moitié dans un an apres, il est convenu que le tiers de cette somme demeurera ameubli au profit des enfans qui naîtront du Mariage, au cas que la dot soit restituée par le predecés du Roy *Charles*, en payant neantmoins à la Reyne d'*Angleterre* pendant sa vie la rente dece tiers; il est dit en suite que les enfans dudit Mariage heriteront encores apres le decés de la dite dame des deux autres tiers de la dot qui auront esté certifiez; il ya enfin une derniere clause importante, sçavoir que la feüe Reyne d'*Angleterre* aura la liberté au cas du predecés du Roy *Charles* son espoux de revenir en *France*, & y'apporter ses meubles, bagues, pierreries, & en outre son dot, Ce sont les clauses de ce contract necessaires à remarquer dont il s'agit.

A regard du second point, il est certain que la feüe Reyne d'*Angleterre* a laissée dans la Succession sa maison de *Colombe*, ou elle est decedée, Ce qui se trouvera de derniers compts ses bagues & pierreries, ses vaiselles d'argent, ses meubles meublans, les deniers de sa dot, qui n'ont point esté restituez, les interetx de cette dot, & les arrerages de son douaire (sil en estoit deus quelques uns au temps de son decés) ce sont tous les biens que la defunte a laissée.

Cela estant ainsi presuppôse dans le fait, il ya deux propositions à establir en peu de parolles; la premiere, que la feüe Reyne d'*Angleterre* est morte domiciliée en *France*, & partant que tous les biens qu'elle a laissez, suivent la Loy de son domicile; la seconde, que de tous ses enfans *S. A. R. Madame* est seule son heritiere, parce qu'elle est seule capable de receuillir en *France* les biens de sa Succession.

Il ny a personne qui puisse reuoker en doute, que la Reyne d'*Angleterre* n'ayt eu son domicile en *France* au temps de sa mort, elle y avoit pris sa naissance, ce qui forme le domicile d'origine selon le langage des loix, Mais elle y avoit son domicile de choix, depuis que les troubles d'*Angleterre* l'ayant obligé de passer la mer en 1645, elle perdit en 1648 le feu Roy d'*Angleterre* son espoux, car il est certain, que des lors elle forma sa resolution de demeurer en *France*, d'y établir son domicile fixe, & perpetuel, & dy passer le reste de ses jours, ainsi qu'il luy étoit permis suivant la clause précise de son contract de Mariage, ce fut dans cette pensée qu'elle acquist la maison de *Colombe*, & qu'en effect elle n'est point partie de *France* pendant l'espace de pres de 25 ans, que pour aller Visiter le Roy d'*Angleterre* son fitz apres son restablissement elle y séjourna pendant deux ans, & revint en *France*, D'ou elle na plus bougé jusques à sa mort; de sorte que son domicile en *France* na point esté ny fortuit ny passager Mais un domicile de choix, stable, & permanent comme il a esté remarqué.

Que sy le domicile de la Reyne d'*Angleterre* estoit en *France* au temps de sa mort, il s'ensuit, que sa Succession doit estre réglée par les loix de *France*, & de la coustume de *Paris*, qui estoit la loy de son domicile; la raison est, que tous les biens qu'elle a laissez à l'exception de la maison de *Colombe* sont mobiliers, & de nature mobiliers, or c'est une reigle certaine & indubitable dans le droit *François*, que les meubles suivent la personne, ceque plusieurs des nos coustumes de *France* ont dit expressement. Comme celle de *Sens*, de *Rheims*, de *Bourbonnis*, d'*Amiens*, de l'*Isle*, & plusieurs autres que les meubles suivent le corps, & d'ou il s'ensuit disent nos docteurs *François*, que pour en regler la Succession il faut considerer le dernier domicile du defunt, C'est une maxime universellement receüe en toute la *France*, a dit *M. Charles du Moulin* le plus celebre de nos docteurs, & dont l'eminence de l'esprit & du sçavoir a esté reverée de toute l'*Europe*, que les meubles suivent la personne, & partant, que pour

Vol. II. /

P p p p

en

en régler la Succession, il faut suivre la loy du dernier domicile de la personne decedée.

Mais cette loy n'est point particuliere à la *France*, c'est la loy de toutes les nations, ainsi que *Balde* docteur *Italien* la reconnu sur la loy *Mercatores* au code de commerciis, parceque la lumiere naturelle de la raison qui est le fondement du droit des gens, qui lie tous les peuples de la terre, fait comprendre également à tous les hommes que les fondz & les biens immeubles se reglent aisément par la loy du territoire, ou ilz sont assis, & les meubles par la loy du domicile de celuy qui les possède, à cause que n'ayant point d'assiette solide réelle & corporelle ils s'attachent necessairement à la personne du possesseur, c'est pourquoy tout ce qu'il s'agit d'en regler la Succession c'est la loy de son habitation qu'il faut observer.

Il est evident qu'il s'ensuit de cette premiere proposition, que tous les biens que la feüe *Reyne d'Angleterre* a de-laissez se doibvent regler par la loy de son dernier domicile, qui est la coustume de cette Ville preuoste & Vicomté de *Paris*, non seulement pour la maison de *Colombe* qui y est située, & pour les autres meubles, & pierreries qui sont sous les cellé, Mais encores pour les deniers dotaux de la defunte, qui son deus en *Angleterre*, parceque ces deniers estant meubles, & l'action pour les repeter estant mobiliere, en termes de droit ils ont suiuy la personne de la feüe *Reyne d'Angleterre*, & par conséquent, la Succession s'en doit regler par la loy de son dernier domicile, selon les principes cy dessus establis.

La seconde proposition consiste à monstrier, que cette Succession appartient entierement à son A. Roy. *Madame*, parce qu'elle se trouve seule en *France*, capable de la recevoir, tous les autres enfans de la defunte, estant estrangers, & partant incapables de succeder.

\* La loy d'aubeine, qui n'est point encore une loy particuliere de la *France*, Mais qui s'observe dans tous les autres Royaumes & Estats Souverains de l'*Europe*, & entre les autres en *Angleterre* suiuant l'ordonnance d'*Edvard Troisième*, & des autres Roys ses Successeurs, exclut les estrangers de succeder en *France*; & adjuge au Roy les Successions des estrangers non naturalisez qui meurent dans le Royaume, il n'est pas besoin apres cela, de prouver, que les *Anglois* sont estrangers parmy nous, puisque estre estranger d'un Royaume, n'est autre chose que de n'estre point sujet du Souverain qui y commande, & les *Anglois* sont tellement reputez estrangers en *France* que ceux qui ont cherché l'origine de la loy d'aubeine, disent, que c'est à cause des *Anglois* quelle a esté premierement introduite, & que c'est pour cela, que le nom même d'aubeine en Latin en est derivé, ainsi estant constant dans le fait que la feüe *Reyne d'Angleterre* a laissé pour ses enfans S. M. le Roy d'*Angleterre*, M. le Duc d'*Yorck*, les enfans de sa S. A. R. *Madame la Princefs d'Orange*, & S. A. R. *Madame*, il ny a qu'*Madame* seule qui soit capable de recevoir la Succession en *France*, les autres en estant exclus comme estrangers du Royaume.

Ce qui a esté dit cy dessus est suffisant, pour satisfaire à l'objection qu'on a faite de la part de sa Majesté le Roy d'*Angleterre*, que suiuant les loix d'*Angleterre*, la *Reyne* sa mere estant morte sans faire testament, toute la Succession luy appartient, comme fils aîné de la defunte, car ces loix pourroient avoir lieu si la Succession de la *Reyne* estoit echeüe en *Angleterre*. Mais estat echeüe en *France*, ainsi qu'il a esté & tous les biens de la Succession estans sujetz aux loix de *France*, ainsi qu'il a esté montré, non seulement sa Majesté le Roy d'*Angleterre* ne peut point vendiquer la Succession de *Madame* sa mere suiuant les loix d'*Angleterre* dont la force, & la vertu demeurent renfermées dans ses Isles, & dans ses estatz, Mais il n'en peut pas même pretendre aucune part, parce qu'il est estranger du Royaume ou la Succession est echeüe.

La seule difficulté qu'on peut former sur ce point est, que le Roy d'*Angleterre* peut pretendre qu'il ne doit point estre reputé estranger du monde, parce que l'eminence de la qualité Royale l'exempte par tout de la loy d'aubeine, à la quelle d'autre part il faut convenir que M. le Duc d'*Yorck*, & les enfans de *Madame la Princefs d'Orange*, sont sans nul doute sujetz. Surquoy leurs Alteffes Royales Monsieur & *Madame* declareront tres sincerement, comme ils ont déjà fait, à sa Majesté le Roy d'*Angleterre*; qu'il n'entendent point entrer en aucune contestation avec luy ny luy disputer en aucune sorte les avantages & les prerogatives qui appartiennent aux Princes Souverains. Mais sa Majesté trouvera bon qu'il luy representent sans blesser le respect, l'union, & l'amitié, quils desirent garder inviolablement avec luy, que cette pretention que les Roys sont exemptz du droit d'aubeine n'est visiblement fondée, que sur ce nom de freres que les Roys se donnent reciproquement, qui n'est qu'une civilité de nom & de compliment, & que cependant toutes les mêmes raisons qui empêchent les personnes privées de succeder en un pais estranger, le trouvent encore plus puissément dans les Testes couronnées, parce qu'elles sont comme a

remarqué

\* Chopp. 1 Lib. Baquet du droit d'Aubein. 1 Part. Chap. 2. &c. 1 Chap. 1.

remarque un des plus grands <sup>a</sup> personnages de ce siècle & le plus éclairé dans les Droitz publique traitant cette même question, sur le sujet de la Succession du feu Duc de Montoüe comme l'unité (ce sont les paroles de ce grand homme) d'une même obéissance & sujétion sous les mêmes loix & domination donne & attribue l'usage & la participation des droitz civils d'un pais & d'une Nation, aussi la diversité de subjection & de loix ou l'indépendance & la supériorité esgale en son espece, & en son destroit, doit causer une séparation toute entière & produire par cette qualité estrangere l'une à l'autre de droit & d'aucune que l'un sçait être Usée en plusieurs Royaumes.

En effet il faut demeurer d'accord qu'il n'y a ny loy ny Ordonnance ny aucune raison naturelle ou civile, qui attribue aux Roys un semblable privilege, si l'on consulte les loix Romaines dont la profonde sagesse a esté réverée par les nations même les plus barbares, elles nous apprennent que le Prince Souverain use du même droit que les sujets dans les Successions, & que d'ailleurs tout estrangier est incapable de succeder.

Mais leurs Alteſſes Royales apres l'Eclaircisſement de leurs droitz repetent encore en ce lieu la Declaration ſincere, qu'ils ont déjà faite, qu'ils ne desirerent point former de contestation contre le Roy d'Angleterre, ils tiendront à beaucoup d'honneur de partager avec la Majesté la Succession de la defuncte Reine leur mere, & de recevoir même de sa main, une portion de cette Succession, qui leur appartient droit autrement tout entière, par les loix de France.

*An Answer to the foregoing Memorial by Dr. Jenkins.*

L'Ambassadeur de la Grande Bretagne ayant communiqué aux Commissaires de S. M. Britannique un Memoire, qu'on luy avoit présenté de la part de S. A. R. Madame touchant la Succession de la feuë Reine de la Grande Bretagne d'heureuse Memoire, les dits Commissaires se croient obligés de presenter audit Ambassadeur leurs Reflexions la-dessus, à fin que par son entremise, ledit A. R. Madame soit mieux informée des droits du Roy son frere, sur la dite Succession, en attendant les réponses qu'il plaira à S. M. faire à tous les Articles du dit Memoire. Les dits Commissaires n'ayant autre ordre que de prier & de faire des instances même, que le Roy leur Maître soit considéré en cette occasion comme il est le pere & l'arbitre absolu dans sa famille Royale, selon les loix de ses Estats, par lesquelles la Succession de la Reine sa mere lui est escheüe tout entière sans que personne puisse pretendre d'y partager, ou en avoir la moindre portion, si non du seul bon plaisir & equité naturelle de S. M.

C'est pourquoy, le dit Ambassadeur fera en sorte, s'il lui plait, d'informer S. A. R. Madame, que la cour de Justice qui connoît des Testaments, & des biens & Successions des intestats à Londres, étant informée par Messieurs les Gens du Roy, que S. M. demandoit qu'on lui fît droit en lui assignant & adjugeant par decret la Succession de la Reine sa mere, puis qu'il n'y avoit personne qui la demandoit en vertu d'aucun testament que la dite Reine auroit fait, ny qui vouloit informer la Cour qu'elle en avoit laissée, la dite Cour, se trouva obligée à l'Instance des dits Gens du Roy d'assigner & d'adjuger par decret la dite Succession toute entière à S. M. qui en demeure presentment pourveu & investi, selon les formes accoustumées en tels Cas, S. M. ayant trouvée bon tout aussi tôt de substituer quelques officiers des plus considerables de son espargne, non seulement pour recueillir ce peu des biens, que restoit à la Reine sa mere, mais aussi pour répondre en leur noms propres & privés, à toute sorte de pretensions & de demandes, qui se pourroient intenter contre les heritiers de la dite Reine mere.

La dite Cour de Justice tenant les formes ordinaires dans ce procedé, auroit sans doute attendu des oppositions au nom de S. A. R. Monſeigneur le Duc de York, Frere unique de S. M. sans que les loix d'Angleterre, (ou tous les enfans, excepté ceux des Rois pretendent de succeder également pour ce que est de la Succession mobiliere à leur peres & mere decedans intestats) attribuaſſent un prerogatif particulier à la personne sacrée du Roy, avec qui les loix ne permettent pas que personne pretend de partager les Successions qui lui pourroient appartenir.

C'est pourquoy S. A. R. qui n'auroit pas manqué de se bien informer de ce qui lui pourroit appartenir, ne s'est pas trouvée bien fondée à faire la moindre instance ou demande à la cour susdite d'un partage ou portion dans la Succession de la Reine sa mere, par ce que le prerogatif du Roy lui oſtoit les avantages que tout autre Frere auroit eu en commun avec les Siens.

Ce qu'on ne trouvera pas estrange en France (ou le Roy est tousjours censé heritier anormal & irregulier, <sup>b</sup> ou il s'observoit aussi jusque au Regne de Charles IX. que quand la Justice estoit Commune entre le Roy & un autre Seigneurie elle estoit entièrement exercée par les officiers, que le Roy creoit & establissoit la dedans; & même au-



jourd'hui, quand le Roy a une portion tant petite qu'elle puisse estre, d'une Seigneurie il n'y a que ses officiers seuls qui la peuvent bailler à ferme<sup>a</sup>. Enfin, on ne permet pas en *France*, non plus qu'en *Angleterre*, que les particuliers quand ils viennent en concurrence avec leur Roy, prétendent à des droits qu'ils accroient joi en concurrence avec toute autre personne, come celuy qui a Retraict Lignager<sup>b</sup> sur le bien de son parent ny est pas admis lors que le Roy en est l'acquéreur; outre qu'il y ait des coustumes mesme en *France*, où il n'y a qu'un seul heritier d'ainé tant en Succession collaterale que direct<sup>c</sup> aux biens meubles non obstant les mesmes nœuds de proximité, que d'autres pourroient avoir avec le defunct.

La Succession de la Reine mere estant ainsi, comme il est dit, adjugée au Roy son fils, selon la disposition & les formes du droit *Anglicain*, on a recherché des raisons, par les quelles on pourroit disputer à S. M. le droit qu'il pretend à cette partie, de la dite Succession qui se trouve maintenant en *France*.

La premiere de ces raisons est, que la Reine defuncte est morte domiciliée en *France*, & partant que tous les biens qu'elle a laissez, suivent la loy de son domicile. L'autre est, que de tous les enfans de la dite Reine S. A. R. Madame est seule heritiere, par ce qu'elle est seule capable de recueillir en *France*, les biens de la Succession.

Pour repondre à la premiere raison, qui suppose, que personne ne puisse revoquer en doute, que la Reyne n'ait eü son domicile en *France* au temps de sa mort, Ceux qui auront prisé la peine de s'informer punctuellement du fait, & du droit, sur ce point, trouveront de la difficulté à comprendre cette proposition. Car quoy que la feue Reine n'avoit autre domicile d'origine qu'en *France* & que celuy de son habitation (comme parlent les loix) ait esté aussi près de XXV. ans continuellement en *France* excepté les deux Ans qu'elle passa pres du Roy son fils en *Angleterre*, la demeure pourtant qu'elle a fait en *France* depuis son dernier voyage d'*Angleterre*, doit estre estimée fortuite passagere & mesme contrainte par son indisposition, & ne merite pas le nom d'un domicile fixe, & tel qui doit reigler la Succession, - ~~soit~~ qu'on en juge selon le droit de *France*, ou selon celuy d'*Angleterre*, ou bien selon le droit *Romain*, que est commun à tant de Nations.

Il est vray que les Docteurs *François*, & notamment M. Charles du Moulin disent bien, que pour reigler la Succession d'un decédé il faut suivre la loy de son dernier domicile, mais il est aussi vray, que le mesme Du Moulin<sup>d</sup> qu'on a cité avec un si bel Eloge, d'Argentree & d'Autres disent nettement, que le domicile d'une femme est toujours celuy là qui estoit le domicile de son mari<sup>e</sup>, & qu'un séjour mesme de plus de dix ans, qui se fait ailleurs, n'est pas capable de changer le domicile à une personne, si les occasions de son séjour hors du vray domicile sont fortuites & passageres, & qu'on soit toujours dans la pensée de s'en retourner.

On l'a Crû tout asés superflu, d'accumuler des auteurs d'autres nations, qui sont sans nombre & sans fin, en cette matiere, puisque rien ne scaurot estre plus clair, ny plus formel, que ne sont les sentiments des Ecrivains *François* sur ce Subject,

Mais pour faire voir que la Reine defuncte à toujours censée l'*Angleterre*, come le lieu de son vray, principal, & fixe domicile, il n'y a qu'à remarquer premiere-ment, les causes de la Sortie quelle en fit, du vivant du Roy son espoux de tres glorieuse memoire, & aussi les motifs qu'elle eut, de repasser par deux fois en *France*, depuis l'establissement du Roy son fils. En second lieu, on se souviendra des interet quelle avoit au temps de sa mort, à la Cour d'*Angleterre*, puisque la voix Commune des loix, à toujours reconnüe les interets de personnes & l'assiette<sup>f</sup> de la plus grande partie de leur biens, come une marque principale d'un domicile fixe & perpetuel.

Pour sa premiere sortie d'*Angleterre*, elle estoit fondée sur les ordres precis du Roy son Epoux, tant pour le Service du Roy, que pour le plus grande seurte de sa propre personne; & il n'avoit les desastres trop connus à tout le monde, qui suivirent bien tôt apres, qui l'ont arresté en *France* jusq; à ce qu'il plût à Dieu de restablir son fils, dans le thrône de ses Ancêtres. La raison de son retour en *France*, la premiere fois, depuis le restablissement du Roy, & de ce peu de demure, quelle y fit, a este bien connue à tout le monde, C'estoit seulement pour l'accomplissement du Mariage de Madame sa fille, qu'elle avoit tant desirée, & quelle acheva si heureusement. Ce Mariage estant accompli, elle reprit bien tôt la pensée, & mesme le voyage de son vray domicile, quelle respiroit toujours, qu'estoit l'*Angleterre*. Et on est bien assuré, qu'elle ne seroit pas retournée en *France* sans la Consideration de sa sante, pour le restablissement de la quelle, elle Croyoit l'air de la *France*, & les Eaux de *Bourbon*, fort commodes & mesme necessaires. Mais les interets quelle avoit en *Angleterre* au temps mesme de son trepass, font encore voir plus clairement, qu'elle ne pensoit à autre

<sup>a</sup> Bacq. des droits de Justice c. 10. nu. 1. 2. 3. <sup>b</sup> Tiraq. lib. 9. nu. 38, de retraict. <sup>c</sup> Custom de Ponthieu art. 15. Custom d'Anjou, art. 235. <sup>d</sup> Molin. consil. 31. nu. 20. 21. <sup>e</sup> Argent. in consuet. Britan. art. 447. l. 9. nu. 1. 2. 4. &c. Arrest de Loüet. l. c. fomaine 17. <sup>f</sup> L. cives quidem? Cod. de incolis & DD. lib.

domicile, que celui de la Cour d'*Angleterre*, pour y finir ses jours. Elle estoit non seulement une Branche, mais la Souche mesme de la famille Royale, elle y avoit sa Cour & sa maison establee, selon les formes ; & non obstant la demeure de quatre ans quelle a fait icy depuis son dernier retour, il y avoit en *Angleterre* toujours & au temps mesme de son decede, un nombre considerable de ses officiers, mesme de Principaux, qui recevoient leurs Gages selon qu'un chacun estoit couché, sur l'estat de sa maison, tout de mesme que ceux qui avoient l'honneur d'estre aupres de sa personne en *France*.

Et puis qu'on n'a trouve aucun autre argument plus convaincant de son intention, de finir ses jours en *France*, que d'avoir acquis la maison de *Colombe*, S. A. R. Madame se souviendra, s'il luy plaist, que cette maison a esté acquise en l'annee 1658. quand on desesperoit extremement des affaires du Roy. son fils, & que cette acquisition mesme n'a esté faite que des deniers que la feüe Reyne avoit receü de la Bonté royale de S. M. Tres Chrétienne, & tant s'en faut que la Reyne mere apres le retablissement du Roy s'est contentée dudit acquest pour y faire sa demeure durant toute sa vie, qu'elle depença plus de deux cens mille escus pour rebatir son Palais de *Somerset-house* à *Londres*, sur lequel elle faisoit encore faire en son absence mesme des despences considerables, tous les ans, comme il se void par l'estat de ses depences annuelles, d'ou il s'ensuit, qu'on ne scauroit donner des marques plus assurees de l'intention de la Reine, de finir ses jours en *Angleterre*, à moins que d'avoir la veüe de ces Lettres quelle escrivoit de temps en temps, au Roy son fils, les quelles feroient avouer sans contredit ; quelle auroit esté, il y long temps de retour à *Londres*, si Dieu lui avoit accordé une santé mieux establee, quelle n'en a eu ces dernieres années de sa vie.

En fin, on n'a que faire de s'opposer aux autorités qu'on a apporté en foule, pour prouver que les biens mobiliars d'un decede se doivent regler selon la loy de son domicile, ce sera assez de remarquer en ce Lieu, qu'on n'a cité pas un Auteur pour prouver que le sejour & tels acquests que la feüe Reine avoit faits en *France*, étoient capable de changer le domicile quelle s'estoit indubitablement acquise là, où estoit son Douaire, ses rents, ses palais, ses biens, & les sources de tout ce quelle avoit de revenue, sans parler, de ces nœuds sacrés qui l'attacheoit indissolublement à la famille Royale d'*Angleterre*.

Ce qui est encore plus difficile à comprendre est, qu'on a trouvé à propos de faire mention des deniers dotaux de la Reine defuncte & mesme des arreages, si l'y en a de son douaire qui consist seulement comme tout le monde le sçait en rentes foncieres chargées sur un partie du domaine, de la Couronne d'*Angleterre* : d'autant que tout le monde demeure d'accord, que le Mariage change le domicile d'origine tant illustre qu'il puisse estre, & que l'on tient communement en *France*, que quand il y a question (ce sont les mots de *Bacquet* <sup>b</sup>) de la matiere, ou de l'exécution du contenu au contract d'un Mariage, on a égard toujours aux loix & aux coustumes du lieu, auquel le mari avoit son domicile lorsq; le Mariage a esté contracté, auquel la femme a esté amenée & a demeurée actuellement avec son mari, sans avoir égard au lieu d'ou la femme tiroit son origine, non plus qu'au lieu, ou le Contract avoit esté passé, supposant mesme que la femme y fust demeurante principalement quand le dot consiste en simples meubles, ou en simples deniers. Quant au Douaire, (ce sont encore les mots de *Bacquet*) si est prefix & consiste en la jouissance de quelque heritage, ou bien en certain rente en douaire, assignée sur certain heritage, il semble qu'il faut suivre la coustume, au dedans de laquelle, l'heritage est scitué, parceq; les <sup>a</sup> coustumes sont reelles, & suivant icelles sont regles les heritages assis, au dedans de leur destroit, veu principalement que la Creation d'un rente en douaire sur certains heritages contient faisible delaissement & transport de l'heritage sur lequel elle est assignée, jusqu'à la concurrence d'icelle rente.

Les D<sup>rs</sup>. de l'*Italie* sont d'un mesme sentiment avec ceux de *France*, en cet egard, & il y a des textes <sup>d</sup> dans le droit si formels a, ce fait ; que ceux qui auront bien remarqué les uns & les autres, n'auront point de difficulté d'avouer, que toutes les questions qu'on pourroit faire, soit touchant les deniers de la dot, soit touchant les arreages du douaire de la Reine Mere, ne scauroient estre vidées, qu'aux Tribunaux d'*Angleterre* ou la Reine mere, pour Cause de son Mariage, & de son douaire s'estoit acquis un domicile tout a fait fixe & immuable.

Mais il y a encore vne consideration bien delicate, qui est particuliere à cette affaire ; on tient en *France* que les Grands du Royaume & les officiers de la Couronne sont domiciliez toujours à *Paris*, à cause que leur Dignitez ou bien leur charges les obligent de se trouver la plus part de leur temps aupres du Roy, que les loix supposent estre toujours dans la ville capitale de son Royaume. Il est de mesme, & encore bien plus de la Reine Mere defuncte. Elle faisoit une partie principale de la

famille

<sup>a</sup> Bart. in l. cum quædam. <sup>b</sup> Bacq. Droit de Justice. c. 15. nu. 50. Chop. sur les Custom. de Paris, lib. 2. T. 2. nu. 15. <sup>c</sup> Bart. in l. cunctos populos. 12. 14. 18. 19. Abbas Panorm. in cap. 1. extr. de sponsal. <sup>d</sup> Leg. exigere dotem. T. 65. de Judiciis.



famille Royale d'*Angleterre*. Le Roy Tres Chrétien son Neveu lui faisoit l'honneur de considérer la maison où elle demouroit avec les memes egards que si le Roy de la *Gr. Bret.* y eut eu sa demeure. Les Ministres des Princes Alliez & amis du Roy son fils, avoient choisi la maison pour faire des Conférences & des Traitez, come si elle eut esté la maison Royale à *Londres*. En fin, elle a esté Traité tout le temps de son séjour icy, avec les memes respects & les memes privileges que la feüe Reyne Mere de *France* elpoulé du Roy *Henry le Grand*, fut Traité trois ans durant, à la Cour d'*Angleterre*, & de melme que ce seroit faire un grand tort à la Memoire de la feüe Roy *Charles I.* que de s'imaginer seulement que cette Grande Reyne sa Belle mere venant à deceder chez luy, comme elle fit peu apres en *Allemagne*, il eust permis à ses Tribunaux de se Meller de sa Succession, ou qu'il n'eust tout laissé à la volonte du feue Roy Tres Chrétien d'en ordonner selon les loix de *France*. Ainsi le Roy de la *Gr. Bret.* demeure tout assure que sa Majesté Tres Chrétien selon sa Justice ordinaire n'entend pas que les privileges de la famille Royale d'*Angleterre* soient Reiglez selon les formes & coustumes de la Prevosté & Vicomté de *Paris*, mais bien qu'il les conservera avec des soins dignes d'une famille si proche à sa Personne Royal.

Pour ce qui est de la seconde proposition, que S.M.B. Monseigneur le Duc son Frere, & S. A. le Prince d'*Aurange* sont incapables de succeder à la Reine leur Mere parceq; la loy d'Aubeine les en exclud; il faut avouer, que la *France* & d'autres Monarchies aussi se sont servi d'une telle Loy, ou plutôt d'une telle coustume, pour empêcher que les Estrangers ne s'emparaissent des biens & du tresor d'un pais, ou il n'avoient point d'intérêt, pour sa conservation au prejudice des natifs & du bien public. Mais on ne comprend pas les raisons, par les quelles on pourroit opposer cette loy aux Enfants d'une fille de *France*, puis qu'il est tres certain selon les arrests qu'on en a veu, qu'on ne scauroit disputer un telle Succession, & melme immobiliere, aux Enfants du moindre de ses domestiques qui auroit eu des Enfants naiz à *Londres*. Bien moins pourroit on opposer cette loy avec raison, à un Monarque qui est qualifié non seulement Frere par Compliment, come on a voulu faire accroire, mais veritablement Cousin German Naturel & Allié du Roy Tres Chrétien le plus ancien de toute l'*Europe*, & on trouveroit fort Estrange qu'un Roy fust censé incapable d'une petite Succession, où il ne se trouve pas la moindre consideration d'estat dans un Royaume ou ses Ancestres memes ont esté receus à la jouissance de terres & seigneuries tres considerables autrefois, sans qu'ils fussent ou Naiz, ou naturalises en *France*.

D'autant donc que la representation melme d'un souverain donne une exemption de cette Loy à Celuy qui porte son Caractere, & melme à toutes les personnes de sa suite, puisqu'il y a aussi un nombre infini de personnes en *France* qui en ont exemptées sans contredit, les uns par des Traitez & accords faits, comme les uns sous les Natifs & Habitans d'*Angleterre*, les autres par des coustumes & prescriptions qui excluent entierement le Droit d'Aubein, il est à esperer de la Justice & Generosité de leur Altesse R. Monsieur & Madame, qu'on ne pourra jamais leur persuader à demander la Succession de la Reine leur Mere, en vertu de cette loy d'Aubein, non plus que du domicile quelle avoit icy par accident, & Consideration de sa santé; & par consequent, on se doit promettre qu'on ne pensera plus à d'autres mesures, de partage dans la famille Royale d'*Angleterre*, que celles que le bon plaisir de S. M. *Bret.* aura données, conformément aux principes de son equité naturelle, & de son amitie particuliere pour Madame sa Sœur.

*To the Earl of Arlington, from Paris.*

MY LORD,

I Should not have suffer'd the last Post to pass, but that I stayed to inclose the Printed Relation of the Funeral at St. *Dennis*, which is a more accurate Account than I could pretend to give, and of the Service of *Nôtre Dame*, on *Monday* the 25<sup>th</sup> past; this Service being perfectly the same with the former, as to the Persons bearing Part, and to the Ceremonies used in the Solemnity, but that the Archbishop did officiate, and *Pere Senault*, General of the Oratorians, a Man of good Note, (for his Writings of the Passions and other Pieces) pronounced the Funeral Oration.

THIS Discourse, though it was suitable to the Spirit and Eloquence of that Orator, yet it had one Passage in it which did very much trouble and surprize me; It was, that having discoursed of our late Blessed King's Disaster, and of the execrable Murder acted upon him, he at last fell into a Disquisition of what might be the Provocation of so heavy and terrible Judgments; and at last concluded, that considering he was a Prince of such great moral Endowments, he could assign no other than

than that of his *Infidelity* (that was the Word, My Lord). I complained of it upon the Place, and when I came Home thought myself obliged not to rest, till I let the Father know my Repentments upon it. I was often disappointed in my Addressee, (the Father being informed of my Errand) but at last was admitted to him; Father Goff and M. de le Provenche being with him. The Father General, being prepared long before, glided of his own Accord into a Discourse of his Oration, and of the Passage which he had heard I took so much to Heart. I told him, it was with a very great Regret I thought upon the Necessity of imparting any Dissatisfaction of my own, to a Person of his Rank and Merit; but that the Word he spoke had so wounded me, that with all the Debates I had had with myself, and all the Aids I had craved from others, I was not able to reconcile it with the Justice that was due to any Person, seriously professing the Name of Christ at his Death, much less to the Charity and the Respect that was due to so great a Prince, butcher'd by Rebels, for not consenting to change the Christian Religion and the Laws, which he had been sworn to maintain. Hereupon the Father began a very grave and long Discourse, that tho' there was a great Respect due to Crowned Heads, yet that there was a much greater to God and Religion. That the Word Infidel, might be properly applied to those that believe not as the Church of Rome did, as well as to *Jews*, *Gentiles*, and *Mahometans*; adding, that there was some such Distinction as a Christian Infidel as well as a *Jewish* one, to be met with in *Thomas Aquinas* and the Schoolmen. Besides that, if every Sinner, according to the Importance of the Word, may be called Infidel to his God, much more may one that is a Misbeliever. However, that he had used the Term *Infidelity*, as less *choquant* than that of Heresy, according to the ordinary Acceptation of the Word. To that I replied, that I was unfortunate in that I must be sent to the Schools to learn the Explication of Panegyrics, and that when I was there, I should find *faithful* Christians to have been reputed Terms convertible, in the Language of the Church, I had an Understanding so *grossière*, as not to understand a Christian Infidel to be other than contradictory: But if that Word be taken according to common Usage, sure I was that it was far from extenuating that of Heretick; for besides that, I appeal'd unto him, whether he did ever use in his Sermons against those of our Religion, to call them Infidels, which he confessed he did not: All their ancient Histories and modern Discourses, particularly their Weekly Gazettes, have appropriated the Word Infidel to *Gentiles* and *Mahometans*, that don't believe in Christ. I took the Liberty further to observe to him, that the Word could not possibly be understood in a favourable Sense, extenuating the Imputation of Heresy: For as he was to find out and assign a Provocation suitable to the terrible Judgment he had discoursed of, so the Infidelity he assigned, must be understood to be something much more horrid, than the erroneous Judgment he supposed our King to be guilty of in Matters of Faith; at least such an Imputation was unavoidable to the vulgar Part of his Auditory. Besides, tho' it be usual to elevate the Vertues of a Prince now and then, by applying bold Hyperboles to little Merit, yet no Man ever heard, that the Default of Princes, when they are to be glanced at but nicely, are to be represented in Terms capable of tending to Aggravation; but certainly, that the Inquiry into those Causes might have been very well let alone, for that the Queen herself, whose Panegyrick he likewise spoke, had drank very deep of the same Cup; yet was as far as he himself could wish from the Infidelity of her Husband. St. Lewis, the great Saint and Patron of this Crown, lived and died in as great Misfortunes, as any Prince that can almost be instanced in: This I told him, I might truly urge, allowing him his utmost Rigour against those of our Communion. I told him further, there was some Things that were peculiar to this Prince, that should have engaged, if not his Charity, yet his Suspence, till he had more accurately been informed, before he had pronounced so severely. For that he had died with all the Resignation and Dispositions of a Primitive Martyr, and he very well knew what great Errors the ancient Church did allow such a kind of Baptism to expiate. 2. That he had written a Book of Meditations, which spoke his Charity and Devotion to be elevated infinitely above the little and common Differences about Religion. 3. That there are some Thousands of Christians in the World, that have as perfect a Veneration for his Memory, as they in France have for St. Lewis; and that a National Synod of learned Men having thought themselves obliged to compose an Office for the Anniversary of his Martyrdom, which may enter into Comparison with that they have to show here of St. Lewis; at least has nothing in it but what is worthy of a considerable Body in the World for Learning and Religion. But above all, that he was a great and absolute Monarch, accountable to none while alive but to God, and consequently not to be arraigned so many Years after his Death, before the *Chaise* of an Ha-

*Haranguer*; much less to be condemned by one, that had by his Education and Interest an irrecoverable Prejudice against the brightest of that Prince's Merits, the Soundness of his Religion. After a long Discourse to this Effect, *pro* and *con*, the Father said, he was heartily sorry that he had not used a less offensive Word, and being (as he says) desired to Print his Oration, he will have a Care to mend that Passage to my Satisfaction. I am, &c.

*L. Jenkins.*

*To the Earl of Arlington.*

MY LORD,

*Calais, 31<sup>st</sup> Dec. 1669.*

IT happened yesterday in the Forenoon, that Captains *Wood* and *Crow*, Commanders of his Majesty's two Yatches, now in this Port, acquainted my Lord of *St. Albans*, my Lord *Arundell*, and my self, that two Boats, loaden with Woolls, exported out of *England* against the Law, were to arrive with the Evening Tyde in this Port; and that they had Orders, which they then produced under his Royal Highnesses Hands, to visit all *English* Vessels suspected of this Fraud, and to seize and bring to Justice, such as should be found faulty.

My Lords directed the Captains, or one of them at least, to set out with their Ship Boat out of this Port, before the Wool-Stealers should get within the Protection of the Guns, and standing off to the main Sea, to visit and order them as they should see Cause.

As soon as the Captains discovered their Intentions to stand out to Sea, the Major that commands here (in the Absence of *M. de Charost* and his Lieutenant) clapp'd a Guard of Musqueteers upon the Quay, and the Rabble (animated, it seems, by such as expected the Wool-Stealers) took up Stones, in a riotous Manner, and vow'd the Death of any of our *English*, that should offer to stir, in Order to get off to Sea.

My Lords being sat down to Dinner, were alarmed with this Disorder and Riot, and *M. Le President de Fosse*, Intendant of this Town, happening to dine with them, their Lordships were very earnest with him to have this Disorder remedied, and to have our Captains freely suffered to stand off to Sea by his Authority. My Lord of *St. Albans* remonstrating very effectually, that we could not, without Injury and Affront, be kept under that Restraint, in a Port that was his Majesty's Allies, and evincing the Prejudice that must necessarily follow, if this Practice be allowed of to his Majesty in the Trade and Customs of *England*, which the Most Christian King could not be imagined to countenance, in Favour of so trifling an Interest as that, which the *French* Traders here might pretend to in this Case; My Lord of *St. Albans* demanding Justice in the King our Master's Name, with all the Force and Spirit becoming the Occasion.

*M. Le President*, excused himself as well as he could, throwing the Blame upon the Major and his Guards; the Major on the other Side pretended, that he had not plac'd his Musqueteers upon the Quay to hinder our People from going out, but to prevent an Insurrection among the Rabble. The Time was so spun out by the Major and the President, that the Wool-Stealers were got into the Road here, before the Guards were taken off; and they being within the Protection of the Guns, and we under the Power of the Rabble, it was not adviseable to attempt any Thing by Way of violent Seizure.

THE two Boats, MY LORD, being tow'd in by the *French*, the *English* having Notice of our Design, not venturing into the Port, *M. Le President*, having after some Discourse that I had with him, offered to execute any Seizure that I should make as Judge of the Admiralty upon the Men, the Boats and Woolls; adding, that he on the other Side would draw up his Process verbal, that is a Narrative of the Fact, as he should think fit to State, and the Laws should determine the whole Matter.

To this Proposal, MY LORD, I excus'd my self, for I was assured the Men were not to be found, and it was my Opinion, with Submission, that the Boats and the Woolls were actually forfeited, as soon as they put to Sea from off the *English* Coast, and consequently not to be submitted to this Tribunal, especially since we were hindred to seize that which was unquestionably confiscate, while it was yet upon the open Sea, and not come within the Verge of the *French* Jurisdiction, as the President himself granted they were not, while out of the Protection of their Forts.

BEING not able, MY LORD, to prevail with any *Frenchman* in this Town, to accept of a Procuration from me, and to act according to my Directions; I chose, MY LORD, with all Submission to your Lordship, to draw up the enclosed Form, and to

to have the President served with it, as he was by one that will be able to make Oath of it, if your Lordship see Cause, in the Admiralty, or elsewhere.

IN this Instrument, MY LORD, I do endeavour to deduce the Injury that has been done to his Royal Highness's Officers, in hindring them to go out of a free and Friend's Port to the high and open Seas, to execute a Commission they had against his Majesty's Subjects notoriously offending against his Laws, and contemning the Authority of his Admiral. So that the Fact, as I state it, and as it will be made out upon Oath, may be a Ballance, if not a Corrective, to any Mis-information that may happen to mingle into *M. le President's* Process verbal of this Affair.

IN the next Place, MY LORD, I do demand of all Men in Authority here, that the Wool-stealers, being notorious Infringers of our Laws, and for such denounced there, and would have been seized upon by us, had we not been violently hindered before their coming within the *French* Jurisdiction, be now sent away under safe Custody, and delivered to their proper and natural Judicature.

FOR the Ships and the Wools, I do demand likewise, that they be restored, and put into my Hands without Process or Formality of Law, they being confiscate *Ipso Jure*; and to be reputed as such, and would have been seized as such, had we not been hindered by open Force, before they could have come within this Jurisdiction.

*M. Le President* having, MY LORD, as he told me, fully considered my Paper, was not pleased to take Exception to any Thing in the Matter or Form of it, but that he could not comply with my Demands, till he had first transmitted it to *M. Colbert* at Court; *M. Colbert* having upon all Occasions a Tenderness, as he said, for the King his Master's Subjects, and desiring to be informed of all Rencounters, wherein their Trade might be concerned: But *M. le President* was pleased to assure me, that your Lordship should in a short Time receive, not only an Account, but also Satisfaction in this Affair, from the *French* Ambassador now residing in the Court of *England*. In the interim, the President has ordered the two Vessels to be embargoed, and their Sails to be taken off, and the Wools (about 50 Sacks) to stand seized by his Warrant in the Custom-House. I am, &c.

*L. Jenkins.*

*To the Earl of Arlington.*

MY LORD,

Sept. 22. 1670.

SINCE 'tis probable your Lordship resolves of Writing to the Prince Elector, ~~in~~ the Prince his Brother's Affair, I hold it my Duty to lay at your Lordship's Feet, my humble Reflexion upon an Alteration in the Instrument of Agreement, as it has been industriously made on the Prince Elector's Part.

IN the 1<sup>st</sup> Article, MY LORD, it is said, That the *Pactum Appennagii*, whereby the Prince Elector granted, it seems, in the Year 1654, a Rent Charge of 4,000 Florins a Year to Prince *Rupert* and his Heirs, shall stand firm in all Things, excepting such Points and Clauses as are changed by this present Agreement.

YET in the 2<sup>d</sup> Article, where the *English* Project had specified the Arrear hitherto unpaid of the Appennage, as one of the Things for which Prince *Rupert* was to have Compensation, it is provided, That in lieu of all the Pretensions which Prince *Rupert* *habuit, habet & habere potest, sive ex dicto Pacto Appennagii, sive aliunde*, the Prince shall content himself with,

1. THE House at *Rhenen* to be made over to him and his Heirs.
2. THOSE Goods of the Queen his Mother which he is at present possess'd of.
3. THE Value of 2,000 Florins in Corn and Wine, to be delivered to him at *Bacrac*, every Year in *November*.
4. THE 45,000 Florins to be paid him, as soon as the Elector is paid that Value, out of the 100,000 Florins granted him by the Emperor upon the *Roman* Months; and until this Money be paid, the Interest of five *per Cent.* paid out of the Elector's Pension in *Holland*.

I cannot think that the Words *habere potest ex Pacto Appennagii*, are intended to destroy the Prince's Right to 4,000 Florins a Year, that shall become due for the future, since that Rent Charge is mentioned twice, and acknowledged, tho' but in a Parenthesis, in the following Part of the Agreement; yet the Intention of the Prince Elector's Council, that altered and framed these Words, I suppose to be, to change the 45,000 Florins now in Arrear, from their Notion and Nature of Appennage, into an ordinary Debt, upon this Contract and Transaction, that they may be no longer recoverable by the Rules and Penalties of the *Pactum Appennagii*, whereby they would lie always a Burthen upon the Electoral Estate, as a Debt most highly privileged,

till it be paid off; whereas upon this new Agreement, it becomes subject to all the Casualties that the Prince Elector's Pretensions to the *Roman* Months are; and if that Fund should fail at seven Years End, the Prince Elector will be at Liberty to name what other Funds he pleases; but in Failure of his Electoral Highness, his Heirs and Successors will be (as the Words are penn'd) free from all Obligation in Law, to charge him with and to provide for the Payment of this Arrear.

BESIDES, MY LORD, the Prince Elector doth not oblige himself to pay any Part of this 45,000 Florins, till he have received that whole Value upon the *Roman* Months. What the Prince himself has observ'd to your Lordship, touching the Time when the Payment of his Appennage is to be, and of the Corn and Wine, as also of the Interest Money from *Holland*, is to begin, I do not mention; since those Matters will, I hope, be easily adjusted by your Lordship's Intercession; nor possibly is it safe to make this Article concerning the Arrear, a Matter of fresh Debate, for that still puts Prince *Rupert* so much backward in his Affair; especially since this Agreement has the Notion of a Transaction, which is a Way of composing Differences that the Civil Law makes as inviolable almost as a Fine and Recovery in our Realm of *England*; and consequently that it will be sure to keep a Door open for his Majesty's Authority to interpose, and for the Arbitration of some Princes of the Empire, in case of any Misunderstanding. I am, &c.

L. Jenkins.

*Ad Virum Clarissimum Boscium, Professore in Academia Janensi.*

QUOD Benevolentiam tuam, Vir Clarissime, studiis & votis iis, quibus jam fervet *Oxonium* nostrum, facile conciliandam fore speremus & auguremur, hoc imputes, rogo, Eruditionis tuæ juxta ac Humanitatis perquam eximiæ, quæ apud nostrates clares, celebritatis. Hinc est quod viri aliquot ex Magistratu Academico insignes, qui ad Rem Typographicam pariter ac Literariam procurandam apud *Oxonienſes* deputantur, dum *Josephi* illius *Hebraicarum* Antiquitatum Scriptoris Editionem novam Theatro *Sheldoniano*, (splendido scilicet illo Typographæ, quo Reverendissimus *Sheldonus* Archiepiscopus *Cantuariensis* Universitatem *Oxonienſem* nuper augeri jussit) dignam, qua fieri poterit, meditantur, in tanti operis molimine te imprimis compellendum esse censuerunt: & dum auxilia, omne genus, quibus autor iste elucidari possit, ab aliquot retro annis undiq; gentium conquirunt, ex tuo etiam penu aliquid appositum pariter ac eximium, sibi prolixè spondent; à me (utpote quem ejusdem *Almæ Mæris* alumnus olim, indignum licet, ut & hic, *Colonia*, non ita procul à *Jena* tua, jam subsistentem norunt) per literas ad me datas hoc postulant; ut te, Vir frætatissime, eorum nomine obnixè rogem, quatenus editioni huic novæ amicam tuam manum, quam & peritissimam esse omnes existimant, admoveere haud graveris. Inter alia enim nominis tui merita & hoc illos pertigit, quod tu (Vir clarissime) *Flavio Josephe* addictior textum illius (alias plus satis mendosum) cum pluribus probati Commatis Codicibus Græcis MSS. tua ipsius manu contuleris, unde plurimum lucis editioni nostræ tænerari posse autumant: Tantæ tamen lucis copiam non alia lege expectendam fore existimant, quam impensis omnibus quas te fecisse contigerit, honestissime quam fieri poterit prius refusis: Ultra quod, totum illud beneficii quod apud illos collocandum duxeris gratâ simul & honorificâ nominis tui recordatione posteris consignabunt. Hæc quippe ratione sane optimos juxta ac eruditissimos, immo Universitatem *Oxonienſem* (quam nos inter *Britanniæ* nostræ decora recensere solemus) tibi plurimum demereberis: Ac si tot ac tantis nominibus, meum etiam adjici volueris, habebis quidem hominem ad quælibet officia paratissimum: Et quo minus pollicitationes meas, qui tibi nondum notus sum, omnino vanas credas, En Dn. *Spanhemium*, Serenissimi Principis D. Electoris *Palatini ad Rhenum* Residentem amplissimum, qui pro sua in me amicitia se tibi (Vir clarissime) ultro sistit, officiorum erga te meorum sponforem simul & proxenetam. Vale. Dab. *Colonia* Ubiorum vii. Id. Mart. M.DC.LXXIV.

Leolinus Jenkins.

*To the Earl of Arlington.*

My most Honoured Lord,

Dec. 19. 1670

IF the Settlement which his late Highness *Maurice* Prince of *Orange* hath made upon *M. de Beverwert*, be rightly represented in the inclosed Paper, *M. de Beverwert's* Daughters will have great Difficulties to draw out any Part of the Capital (700,000 Francs) now remaining, partly in the Bank, and partly upon the Mortgage of

of the Barony *de la Lecke*. Only it will be granted, I doubt not, on all Hands, that any one of those Daughters may at this Time safely and validly transfer all her Right and Interest in that Capital, upon any one of her Brothers or Sisters, or upon all of them; but she cannot transfer it upon any Stranger, I mean, MY LORD, upon any one that is not in the same Remainder with her self, as to this common Fund. Nor will the Consent of this Highness the present Prince of *Orange*, operate in Favour of such an Alienation; his Highness having no more but a bare Possibility of succeeding (or, as we term it in *England*, a remote Remainder) in this Estate; which cannot take Place as long as there is any living of *M. de Beverwert's* Line, whose Sons have an undoubted Right to oppose this Alienation.

WHAT the Writer of the inclosed Paper delivers for Law, cannot (as I humbly conceive) be denied to be the general received Practice in the United Provinces, and in all Countries where the Civil Law *de Fidei commissis* does obtain; only I cannot but observe, that this Writer, in stating the Matter of Fact, does not recite the Original Pieces, (the least Variation from which, may very much alter the Case) but founds himself partly upon Hearsay, and partly upon the Strength of his Memory. I am, &c.

*L. Jenkins.*

*To His Royal Highness.*

*May it please your Royal Highness,*

IF a Court of Appeals in Admiralty Causes be erected at *Dublin*, with Resort to your Royal Highness's Court of Admiralty at *London*, no Man of the remoter *Irish* Provinces can be sure of an End of his Suit, without running through four several Instances, *viz.* from *Connaught*, for Example, to *Dublin*; from *Dublin*, to the Court of Admiralty here; from thence, to his Majesty's Court of Delegates. Whereas by the present Constitution, there is no Possibility of prolonging a Suit beyond the third instance. It is not suggested, that the Court of Appeals in *Dublin* is of any longer standing than the Time of two Judges successively; the last of which died about the Year 1640. Nor is there any *Constat* of that among your Royal Highness's Records here; especially not any President of such a Commission, nor any Process of Appeal from that Court (as a Court of Appeal) to this Admiralty. Nor do I hear of any Acts or Records of that Court now to be seen in *Dublin*, whereby it may appear how far, or in what Manner, that Jurisdiction hath been (*de facto*) exercised.

THIS I do with all Humility mention, because it's possible some such Evidence will be required, in case this Re-establishment comes hereafter to be questioned. For if we cannot make it out that this Court of Appeals is either founded upon a Prescription Time out of Mind, or else established by Act of Parliament, We cannot be sure but that the Officers acting in such a Court, will be reputed new Officers, and consequently their Fees to be new Fees, that is, so many unpardonable Instances of Extortion from the People. Sure I am, your Royal Highness aims at nothing but the Honour of the Government, the Ease of the Subject, and the good Order of your Admiralties: And it is possible that these Ends might be best secured, if it were practicable to make the Judgments in the several Provinces to be final and decisive, without further Appeal, to a certain Value; for instance to 10*l.* or 20*l.* That in Causes above that Value, there should be an Appeal to *Dublin*, and that the Sentence there should be likewise decisive and final to a higher Value, but to be ascertain'd and fix'd by your Royal Highness: And that as in every Cause above such a Value an Appeal should lie hither to your Royal Highness, so all Appeals should be rejected (at least not heard till after Execution had) that should happen to be interposed upon the Undervalue. How reasonable or expedient this Method may be in *Ireland*, I know not: I only mention it, as the more likely Innovation of the two, (if the first mentioned must be reputed one) and as the received Practice in other Countries, where the Civil Law obtains. All which is with the greatest Humility submitted to your Royal Highness's Wisdom.

June 23. 1670.

*L. Jenkins.*

*To His Royal Highness, upon the Union between England and Scotland.*

*May it please your Royal Highness,*

IT would be an insufferable Presumption in me, to offer my poor Thoughts of the intended Union, but that I owe a perfect Obedience to your Royal Highness's Commands; and must beg that what I here lay down, may not be taken as my absolute

judgment, which shall always contain itself within a perfect Submission to my Lords the Commissioners, but rather as a Scheme of those Difficulties, which his Majesty, in directing his Commands to them, may either avoid, or else find a Way to overcome. And that your Highness will be pleased to excuse the length and Number of these Lines, desiring rather to trespass that Way, than to omit any Thing which my present Thoughts, howsoever crude and undigested, do offer considerable in the Case.

THE Ends proposed by his Majesty and your Royal Highness are,

1. THE preserving of the Royal Government from being shaken, as it hath been of late.
2. THE rooting out all jealousies and Animosities, and the begetting of such a firm Confidence between both Nations, as may preclude all Fear from Abroad.
3. THE improving of Fishing and Trade, and consequently the Increase of Wealth and Strength. So that this Island may be more secure from Enemies, more useful to Friends, and more considerable to all the World.

THE Means proposed, in Order to obtain these Ends, are,

1. THE uniting of the two Kingdoms into one Monarchy, under his Majesty, his Heirs, and Successors, inseparably.
2. THE reducing of both Parliaments into one.
3. THE preserving to either Kingdom their Laws Civil and Ecclesiastical entire.
4. THE stating of all Privileges, Trade, and other Advantages.
5. THE securing the Conditions of the Union.

UPON the first Article to be consider'd of, there may be this Question, whether both Kingdoms were not united into one Monarchy under his Majesty and his Heirs inseparably, at the Moment Queen *Elizabeth* breathed her last. The Act of Recognition says so expressly; if so, what can any Declaration, or Recognition, now further operate? It cannot strengthen or add any Perfection to the King's Title; nay, it is an Injury to the Freedom of this Monarchy, which his Majesty holds of GOD alone, to think so. And it may be doubted, how much it will contribute to preserve the Peace, or carry on a War. For supposing there had been in the Years 39 or 66, a stricter Union, or rather Incorporation of the two Kingdoms declared, than there is at this Time; suppose there had been but one Crown, one Great Seal, one Exchequer of *Great Britain*, would that have been any Advantage to his late Majesty, against the *Scots* in 1639; or to his present Majesty, against the *Dutch* and *French* in the Year 1666? I doubt it would not. For the King of *Great Britain's* Commands would not have been more effectual, nor his Treasure more abounding, than were those of the King of *England*. For the *Scots* being obliged to obey the King in the first Case, and to assist him in the other, by the strictest Bond of natural Allegiance and Duty; it were in Vain to hope, that any Compacts or Articles of Confederation should be of stronger Obligation than that, which the Law of GOD, of Nature, and of Nations, had imposed upon every Man, by the same Degrees that Children and Servants obey their Parents, or the common Father of the Family.

HOWEVER, there had need be a real Benefit to the Monarchy, before such Things be subjected to vulgar Speculation, and particularly the Entail of the Crown upon King *James's* Line, in the same Words as the meanest Inheritances. Whereas there is no Man can imagine a Title against that Royal Line; there is no Subject in *England* has a greater Number of Heirs in Prospect than the King hath, and so nothing can be less reasonable than this Speculation. If it be intended as a Respect to his Majesty, it cannot necessarily be understood to be so; for since the late Rebellion could not invent any Pretence to dispute the Legality of his Descent, that Respect would be better express'd in not intimating a Possibility of Failure in King *James's* Line, and consequently that the two Crowns are no longer to be inseparable, than that Line happens to last. Nor is that Separation to be taken easily for granted, even according to the Maxims of Common Law.

FOR supposing two Things, which the Common Law takes for Grounds. 1. That no King can die without Heir, and his true Heir is always the next of Kin and Blood to his Person. 2. That no King can have two Heirs, since the next in Blood does always succeed; and that the Inheritance, whatever Accession or Conquest or Descent happen to it, is indivisible. For tho' a private Subject may have Heirs of the Father's, and other Heirs of the Mother's Side, yet the King shall have but one Heir, the next of Blood to be preferr'd, and consequently if there happens a Monarch of *Great Britain* (which I hope never will) that may be said to be the last of King *James's* Line, the next in Blood to him, whether he happen



to be of the Royal Line of *England*, or not, ought by the Law of Nations (a prevailing Sword may indeed decide it otherwise) to be the sole Inheritor of *Great Britain*, and all the Dominions belonging to it.

It was in Contemplation of this Contingency that *Lewis XIII.* of *France* annex'd the Kingdom of *Navarre* to the Crown of *France* inseparably, without mentioning himself, or his Heirs, for tho' the Line of *Bourbon* should fail, the Heirs general of *Henry the Great*, of *France*, will be no more allow'd Title to that Crown, tho' it came in by them, than there was allow'd by the Line of *Bourbon*, when the Crown of *France* was devolved upon them, under the Heirs general of *Francis I.* by, and under whom the Dutchy of *Bretagne* came to be annexed to the *French Monarchy*.

BUT supposing a stricter Union not only practicable, but necessary at this Time to be entered into; there are some Objections that seem to press for Answer.

1. King *James* in his Proclamation 20th of *October*, 1604. does indeed assume the Stile of *Great Britain*, as to all Addresses and Dispatches at Home and Abroad, and declares it shall have a Retrospect to the first Day of his coming to the Crown; but he expressly provides, that that Title shall not be extended to any legal Proceedings, Instruments, or Assurances. The Reason of this Caution is, in a rough Draught that I have seen of this Proclamation, drawn by Sir *Francis Bacon*, afterwards Lord Chancellor, that the Judges had deliver'd their Opinion to the King, that such an Alteration might be of dangerous Consequence, tho' it should be enacted by Parliament.

AND whether there may any Question arise about Precedency upon this new Name, no Man is able to foresee, for there was a Time that the Title of Emperor of the *Gauls* was thought more subject to Cavils, than that of *France*. And as there may be Difficulties about the Current Species of Money, so there may be about the Treason and Trial of Coiners, and other Species of High Treason, especially if the Laws do stand unalter'd, as 'tis propos'd.

2. THE Commissioners that sat immediately after that Proclamation, do not determine any Thing upon this Point. Nay, Sir *Edward Coke* says, there arose a Question among them, whether there could be made an Union of both Kingdoms by raising a new Kingdom before there could be an Union of the Laws. This Sir *Edward Coke* says, tho' I must confess I cannot see (under Correction of so great an Authority) how Names and Words should be so intrinsic to Laws and Things, but that King *James* might as well call his Sovereignty *Great Britain*, as *Egbert* the Saxon King, who was the first that call'd it *England*; and why an Act of Parliament may not as effectually declare, that those Laws and Customs, which were formerly call'd the Laws and Customs of *England* and *Scotland* respectively, should be from henceforth reputed and taken for the Laws and Customs of *Great Britain*, as well as an Act of Parliament now can naturalize a mere Alien, and make him in Fiction of Law a Subject born, or make the Daughters and Heirs apparent to inherit during the Life of the Ancestor.

3. THE Presidents both at Home and Abroad do not seem to countenance this strict Union of making two Crowns to be one; *Navarre* united to *France* under *Lewis XIII.* yet that King retains the Name of that Kingdom distinctly in his Stile; Nay, he writes himself *Dauphin*, &c. *Compte de Provence & Foix*, when he sends his Missives or Placards into those Countries. Not to mention the long Stile of the Catholick King, who never curtails it but on his Coin. Nor to mention the Seigneuries that our Kings held in *France*, which could not be so well united to *England*, while they mov'd as Fiefs to that Crown. When *Ed. III.* conceived he had a just Title, not by Conquest, but by Descent, to the whole Kingdom of *France*, and assumed the Name of it into his Stile, and the Arms into his Scutcheon; yet he proceeded not to any farther Union, but by an express Statute *xiii. Ed. III.* declared that he intended to govern both Kingdoms distinctly, as independent one of the other.

THE second Head is, the reducing of both Parliaments into one. The Question that first offers it self here is, whether my Lords the Commissioners of *Scotland* have a sufficient Power to treat of this Head; there is nothing of it in express Words; and that general Words cannot import a Thing of greater Weight and Consequence than any Thing that is specified or particularized in their Commission, is a Rule in the Civil Law which is received for the competent Standard of all Treaties. Now if the altering of a Fundamental in Government shall never be presumed in Law to tend to the Good and Weal of that Kingdom, their Commission shall not be extended to any Thing of so universal an Importance. For all Commissions and Mandates being determined by Law to be *stricti Juris*, it cannot be well conceived that a Thing shall be left to his Discretion, which is of greater Importance than any Thing mentioned in his Commission.



I will not go any higher, and ask whether the Legislative Power there, hath Authority to transfuse itself into any other Body, and to give Laws to the Subjects (standing the Bounds of both Kingdoms as they are and must be, while the Laws do remain distinct as they are in a foreign Place, as much out of their Jurisdiction, as if they were in the middle of *France* or *Spain*) Neither will I ask, whether they could give the Commissioners such a Power? For if Prince and People cannot alienate and subject an Empire, otherwise independent, 'tis not so to be imagined, that they can alter what is fundamental in the Legislative Power. 'Tis upon this Account, that we denied the Power of King *John*, to submit himself as feudatory to the Pope. But it may be worth the while to be inform'd, how far the *Salvo Jure*, that passes at the Close of every Session or Parliament in *Scotland*, has an Influence upon this Article; for if all the Members that compose both Houses in *Scotland*, be not intended to fit here, the Lords and others that shall be left out, may possibly not be concluded by that Act.

If the Legislative Power here should enact a hard Law upon *Scotland*, (for Instance, the Proportion of Taxes upon some Parts of *England*, is thought to be heavier than upon some other) and so it may be upon *Scotland*, in Comparison of the other Half of *Great Britain*; it is not to be wondred, if they at Home impute it to the fewness of their Numbers here; and, generally speaking, nothing can be more ungrateful to a People affecting Liberty, as all our *Northern* and warlike Nations do. For where the Union is by Blood and Descent, under one common Father, all Inequalities are intolerable; where it is by Act of State and Composition, there it cannot last longer than the Motives to it, and the Benefits arising from it.

As to the preserving of the Laws entire in both Kingdoms, which is the chief Thing that makes the Government distinct, it does not seem practicable with the Union that is now intended. For supposing the Legislative Power to be the same, the Laws cannot be distinct. King *James* in his Speeches, his two Houses of Parliament, in their Act 4 *Jac.* the Judges of *England*, and Sir *Francis Bacon*, (in their Argument upon *Calvin's Case*, all great Authorities) do agree, that the Union cannot be perfect, till both Kingdoms are govern'd by one and the same Law.

King *James* and Sir *Francis Bacon* go further, to shew what they mean by one Law; they do not mean, that the Laws which govern Inheritances and Properties should be alter'd; but they say, the Laws of *England* should be digested into a better Method, and a lesser Bulk, that they might be fit to be imposed upon *Scotland*, as something better than their own; for the *English* Laws cannot be recommendable to the *Scots*, nor theirs to us, but so far only as they exceed the one the other, in Comprehensiveness, Equity, due Execution, and Dispatch. But King *James* did not think the two Kingdoms fitted to receive one Law, because there was not such a Body of Law fit to be imposed upon both Kingdoms; and if that be the Case, we labour under the same Unfitness still.

THAT learned King, and his learned Attorney Sir *Francis Bacon*, seem to have look'd upon the composing a Body of Laws, for both Kingdoms, as a Thing practicable, which possibly might have been, while the Nations were less searching, and their Princes gave Laws, as some of ours did *Magna Charta*, or as the Most Christian King does at this Time his Edicts; but since there are so many that concern themselves in the making of them, it would be a Work tedious, if not impossible, to go through with.

BUT at present, the Laws of *Scotland* are widely different from those of *England*; first in Matters of Descent, then of collateral Succession, not to give any more Instances. For in *Scotland*, a Son born out of Wedlock, if he happen to come afterwards within the Protection of Wedlock, by the Intermarriage of his Parents, shall inherit before his Brother born after in Wedlock: In *England* it is not so; the Mulier (as we call it) shall inherit, and not he that is born before Wedlock.

In collateral Successions, a Brother of the half Blood shall succeed to his Brother dying without Issue, and not the Sister of the whole Blood, nor the Uncle, as it is in *England*. However, I cannot conceive it to be such a Prejudice to the Union to have distinct Laws, as to Matters of Property and Tenures, as that it is worth while to reduce them to an Uniformity; tho' as long as these Customs do stand, it will unavoidably follow, that one and the same Person may be his Father's and his Brother's Heir in one Kingdom, and yet incapable of being so in the other. Which yet I confess is no more, but what daily happens by Reason of Diversity of Tenures, (such as *Gavelkind* and *Burgage*) in several Places of *England*; and yet is no Prejudice to the common Course of Descents.

BESIDES, those Laws which concern Descents, Tenures, and Inheritances, can not be altered without great Prejudice, yea, Ruin to some Persons and Families; for instance, if all the Tenures in *Scotland* were turned into Socage, how great would the Loss of the Crown and Nobility be in the Wards and Reliefs? So that 'tis hard to reconcile the Proposition of the Lords Commissioners of *Scotland* upon the 2<sup>d</sup> Head of his Majesty's Message, with the Sense of the Lords and Commons in Parliament under King *James*. But if by Laws, be meant Orders of Policy, Regulation of Trade, Reformation of Proceedings in Courts of Justice, there may and will be need of an infinite Number of new Laws; but whether those calculated for this Place will be proper for that, may be so much the more to be doubted, as the Dependence of the People is more strict and absolute upon their Lords in *Scotland*, than it is here.

BUT as their Lordships will have a greater Care in this Treaty of the Rights of the Crown, than of private Inheritances; so it is worth the while to inquire, what Laws or Customs there be (if any there be at all) in either Kingdom, that do speak of, or in any wise determine the Descents or Successions of the respective Crowns, and if they do, how far they agree the one with the other. I cannot but think that the Kingdom of *England* is so absolute and free a Monarchy, as not to be capable of any such Law; and tho' some of our Kings have thought it an Advantage to have the Countenance of an Act of Parliament, to such or such a Line, or to such and such a Limitation, yet the Success answered nothing what they expected.

WHETHER it be so in *Scotland* or not, is certainly worth our Enquiry; for besides that in all Times the Scots have been troublesome to their Princes, (if their Histories be true) there is a Record of our own, which makes me think this Enquiry necessary. It is that which is called *Rotul. de Superioritate Regis Anglia in Regno Scotia, & fidelitate & homagio Regum & Regni Scotia Regi Anglia, Annis 19, 20, &c. Reg. Ed. I.* That Roll has, among other Things, the Pretensions of several Persons to the Crown of *Scotland*, particularly of *John Baliol* and *Robert Bruce*, who had the fairest Titles, and the nicest Cases of all the Pretenders.

*R. Edward I.* who was Superior *Dominus Scotia*, was to determine this Controversy; having summoned before him 80 *Scotchmen*, and 24 *Englishmen*, of the best experienced, and most versed in the Laws and Customs of *Scotland* and *England*, caused them to be all sworn to give him faithful Advice, and the best Assistance they could, in order to settle the Crown of *Scotland* upon him that had Right to succeed, as his Homager. These 104 Persons having met together, and not agreeing upon their Verdict, came to the King, and desired to be excused, in that they did not give any Opinion in an Affair so arduous, and desired further Assistance; which obliged the King to call a Parliament at *Berwick*. The Parliament being met, and also the 80 *Scotchmen*, and 24 *Englishmen* together, one of the Questions proposed to them by the King was, what Laws and Customs they advised him to proceed by, in case there should be no Laws found in *Scotland*, clear and decisive in the Point then before him? The Answer was, that he should proceed by the Laws of *England*.

I only mention this to your Highness, to shew, the Question is not altogether so clear, but deserves an Enquiry. Besides, it is remarkable, that in all the Unions Abroad, as that of *Navarre* and *Bern* with *France*, that of *Portugal* and *Arragon* with *Castile*, that of the *Low Countries* and *Burgundy* under the House of *Austria*, that of the Seven United Provinces under the States, that of *Lithuania* to the Crown of *Poland*, and of several Territories in *Italy* to the Ecclesiastical States, &c. the respective Laws, Liberties, and Privileges of the Places united, have been reserved unto them entire; and 'tis no Prejudice to the Government of *France*, that one half of it in a manner is *païs de droit escrit*, the other half is *païs coutumier*. Nor is it any Disadvantage to any of his Majesty's Isles or Plantations Abroad, that they have few or none of the Writs or Forms of Proceedings, Civil or Criminal, that now obtains in *England*. But in the Union of *France* and *Navarre*, which was a Thing of the greatest Difficulty and Deliberation, all their Courts of Justice, Laws, Liberties, and Privileges, were reserved unto them, excepting such only as would be an Hindrance to the full Execution of the Union; they were so far from making the Parliament of *Pau* subject to any other, that they did dismember some Provinces which had the Resort to the Parliament of *Bordeaux*, and annex them to that of *Pau*, that that Parliament, by enlarging the Bounds of its Jurisdiction, might be more capable to entertain the Grandeurs of a Sovereign Court.

A 4<sup>th</sup> Head, is that of Trade and Privileges, the Power whereof is sufficiently demonstrated in the Union which it begets between *Turks*, *Moor*s, and *Savages*: If my Lords of *Scotland* have such Concessions made to them, as that Nation may find their Account more fully in an Union with *England*, than an Independency among themselves,

selves, or a strict Alliance from Abroad can pretend to give them, they will by degrees conform and incorporate themselves, beyond what all the Laws and Acts of State can work upon them. And it seems reasonable that they should have more Benefit from our Trade, than theirs is able to compensate to us: For the Security which their firm Adherence to *England* will give it, is worth purchasing with an amicable Advantage to them in Trade and Commerce; since the Maintenance of an Army (which is the only other Way to secure the back Door) will lay more of Burthen and Danger in it.

As to the Animosities that are among the vulgar, they are the Effects of Immorality and Churlishness. Every Gentleman, in proportion to his good Breeding and Acquaintance with the World, being free from that Weakness. And that Commerce is the only Cure for that Rudeness, is very demonstrable from the peaceable and quiet Condition of the Borders of *Scotland* now, in comparison of what they were upon the coming in of *K. James*. In *Wales* likewise, we see that such *English* and *Welch* as traffick one with another in the same Markets, have no Contempts or Animosities to disoblige one another; but those *Welch* that live in the Mountainous Parts, and have no Traffick with the *English*, are not yet divested of those vain Notions and Prejudices against the *English*, which their Ancestors had seven-score Years ago, before the Annexation of that Principality to the Crown of *England*. Nor is it otherwise between the *Gascoigns* and the *French*, the *Biscanners* and the *Spaniards*, who are not reconciled the one to the other by virtue of their Union under the respective Governments, but in proportion to their mutual Traffick and Correspondence.

THE more liberal his Majesty shall please to be of Privileges and Preferments to their Nobility in this Court, the more will the Publick Peace and Union be secured. For the Want of a Court in *Scotland* will be better digested by that Warmth, and the Dependency of those of inferiour Ranks will be stricter upon the Nobles in this Court.

If therefore the two Kingdoms be united to all the Effects that can be imagined in Law, or hoped for in Policy; if there be no need of changing the Laws, and much Difficulty, if not Danger, in incorporating the two Parliaments; if the Commissioners under *K. James* treated of nothing but of Trade and Commerce; if *K. James*, in his Speech, declared that the Union of Laws, and consequently of Policy, was at that Time impossible; if he demanded of the Parliament but three Things, 1. The abolishing all Laws and Memories of Hostilities, which is now done. 2. That all of the *Scottish* Nation should be reputed as natural born Subjects of *England*; which, tho' it was not then done by Act of Parliament at that Time, yet is now the received Law; all *Scotchmen*, except the *Ante-nati*, I mean those few Climacteries that were born before this Crown was devolved upon *K. James*, being capable of inheriting, and of all Privileges, as fully as if they had been born within this Kingdom. The 3<sup>d</sup> and last Thing which *K. James* desired, was a mutual Freedom of Trade and Commerce; wherein the Commissioners in the Year 1604 adjusted many Articles of great Importance to the Publick; but that Parliament passing nothing pursuant to the Agreement of their Commissioners, his Majesty will have the Happiness to begin, where the King his Grandfather left off; and having compleated that, which, if *K. James* were now alive, he would think the only Thing wanting, his Majesty will have the less Concern to push at an Union that the King his Grandfather hoped not for, at leastwise judged it not necessary; the Union being, as now it stands, in the Eye of the Law of Nature and Nations, as perfect, strong, and indissoluble, as any Union whatsoever now in *Christendom*. I am, &c.

L. Jenkins.

*To his Excellency the Lord Ambassador Jenkins.*

MY LORD,

*Windsor-Castle, July 15. 1679.*

SINCE mine in Answer to your former, I have received a second from your Excellency; and also read yours to my Lord *Sunderland* upon the same Subject, full of many good Reasons, to dissuade you from receiving the Present *M. Colbert* offer'd you from the King his Master. His Lordship, by the King's Direction, was pleased to ask my Opinion thereupon: I told him, I was loth to give any against your taking of it, considering what Pains and Expence your Embassy had cost you, and how much you most justly deserved from all the Parties; but, on the other Hand, considering the Circumstances of Things, and the Reasons intimated by you, I durst not advise the pressing of you to take it. Thus I left the Matter with him, only I should say, I added further, that if you should at last think most proper to refuse it, methought his Majesty ought to give you the Value of it. My present ill State of

of Health will not permit me to add any Thing further, but the Assurance of my being always, &c.

*Arlington.*

*To the Earl of Arlington, Lord Chamberlain.*

*My most Honour'd Lord,*

*July 24. 1679.*

I Have in your Lordship's Letter of the 15<sup>th</sup>, a most noble Instance of that infinite Goodness you are pleas'd to have for me. I most humbly beseech your Lordship, notwithstanding all that noble Goodness, to believe, that I am the most in earnest that any Man can be, and that I desire nothing more passionately, than that your Lordship would be pleas'd to deliver your Opinion to his Majesty clearly and positively, against my receiving the Most Christian King's Present. I have very great Conviction within me, that I ought not to receive it ; and I am the furthest possible from any Pretence or Thought, that his Majesty should do me the Honour of sending me his Commands to take this Present : Nor do I desire that his Majesty should in the least authorize me to excuse myself, but shall be content to be left to the Censure of the old Verse, *Quis nisi mentis inops oblatum respuat aurum*. My humble Petition therefore to his Majesty is, that no Injunction, at the Instance of M. Barillon, may be laid upon me ; but that I may be left to myself, not only in Regard of the Most Christian King, but also of the Emperor, and of all the other Princes and Potentates. I leave it to your Lordship to judge, if his Majesty had not all the Reason in the World to take it very ill of me, if I should take any manner of Present from the Emperor, living in the manner I do here with his Ambassadors ; for I have never seen them but at the Requisition of other Ministers, and that upon Business that related to the Publick Peace, since they refused in *January* last the first Column, that was due to Sir W. Temple and myself, at the signing of the Emperor's Peace. I will not say how becoming it would have been for the *French* Ambassadors, to have had some little Difficulty upon that Head, and not to have signed without us ; but I will say between your Lordship and myself, that they have made this Pretension of ours, all along this Negotiation, to be of extream Consequence to all Crown'd Heads ; (alleging, that if all Kings gave a Precedence to his Majesty, and the Emperor did not, then it must follow, that he is of a Rank and Order other and higher than that of Kings, which the Most Christian King would never hear of) and that they, the *French* Ambassadors, who carried not only every Point, but the minutest Trifle that they thought fit to stand upon in this Treaty with the Emperor, might have carried this Point too, had they stood upon it for us. There is Reason enough to complain of others, and to refuse their Presents, if they should offer me any ; but my most humble Suit at present is, to be by your Lordship's Favour excused from receiving that of the *French* Ambassador's, and it will be an infinite Favour to me, who am, &c.

*L. Jenkins.*

*'A Monsieur Jenkins.*

MONSIEUR,

*De la Haye le 9 de Dec. 1679.*

MONSIEUR le Prince & Evêque de *Gourk* ayant pris le chemin de *Nimegue* vers les Eaux & Bains de *Carlsbar* y a fait un tour pour remettre un peu sa santé, a presquoy s'estant rendu depuis quelques semaines à la Cour, il a fait un tel rapport du soins que Messieurs les Ministres de sa Majesté *Britannique*, & principalement vôtre Excellence avoit prise à *Nimegue* pour moyener la paix, que sa Majesté en a eu une satisfaction particuliere, & a voulu le temoigner par quelque recognoissance. C'est pourquoy elle a commandé de faire tenir à vôtre Excellence un bijou, qu'elle trouvera dans la boete cy annexée, cachetée de mes armes, qui luy sera consigne par M. de *Nautits* Secrétaire de sa Majesté que est à *Londre*, ou en son absence, par le Sieur *Jean Van Cacre* Merchant Banquier à *Londres*. Je suis bein aise que par cette conjuncture j'ay l'occasion d'asseurer que je suis, de vôtre Excellence, &c.

*D. J. Crampricus*, Conseiller & Resid.  
de sa Majesté.

*The Emperor's Letter to Sir Leoline Jenkins.*

Leopoldus, Divina favente Clementiâ, Electus Romanorum Imperator  
semper Augustus

*Generose, Sincere dilecte,*

CUM nobis nostri ad Tractatus Pacis Universalis Legati Plenipotentarii significant, vos pace, cum bono Deo, conclusâ, reditum ad Aulam Regiam *Londinum* parare,  
Vol. II. R r r r

parare, omittere sanè noluimus pro eo ac diuturnus ille assiduusq; in re omnium gravissimà ac summè arduà toti Reipublicæ Christianæ præclarà cum vestra, quâ fidei, quâ prudentiæ ac dexteritatis laude, a Vobis impensus labor & sollicitudo meretur, quin vobis benevoli & grati animi nostri tesseram hîc impertiremur; non felix modo iter in patriam comprecantes, sed benignas quoq; gratias pro operâ tam sollicitâ, in causâ longe omnium gravissimâ ac difficillimâ adeo indefessè ad grâtam satisfactionem nostram navatâ agentes. Faxit divina bonitas, ut opus conclusum mox ad desideratam perfectionem perducatur, cedatq; cùm in maiorem nominis sui gloriam tum & totius quoq; Reipublicæ Christianæ, nostrumq; & sacri Imperii bonum & solatium, vobis vero ad nunquam intermorituri decoris perenne augmentum. Apud nos sanè, sicuti meriti hujus memoria nunquam extinguetur, ita & omnis occasio optata veniet, quâ cum re ipsâ benigne benevolèque comprobare possimus, de quo vobis hîc constare volumus. Quæ dabantur in civitate nostrâ *Vienna* die 26 Mensis *Julii*, Anno Dom. 1679. Regnorum nostr' *Romani* 22. *Hungarici* 25. *Bohemici* vero 23.

*Leopoldus Guilielmus*

*Comcs in Kinigsegg.*

*Christop. Bowen.*

*Sacra Cæsarea Regiaq; Majestas,*

**L**ITERAS, à sacrâ Cæsareâ Majestate vestra 26 præteriti mensis ad me datas non solum venerabundus, uti par erat, sed & planè stupefactus ad tantæ Majestatis demissionem, accepi. Certè superat omnem gratias agendi facultatem Augusta illa demerendi ratio; imo animi mei sensa, quantumvis aliàs grata & veneratione plena deliquio quodam ex summâ reverentiâ oborto correpta, tantum non obmutescunt; verbis quippe tantæ dignationi pro merito agnoscendæ & excolendæ idoneis prorsus destituta: Quod autem studio & opella nostra in Provinciâ illa sane difficili quâ hic functus sum, Sacræ Cæsareæ Majestati vestrâ non ingrata sit, ex illâ Benignitate quâ Divinam proprius attingit, profluere, humillime agnosco: tandem verò illam quâ me cumulatam voluit, ex imbecillitatis propriæ conscientiâ refugere necesse habeo, conatusq; meos decore plus satis magnifico honestatos duxero modo eisdem veniâ non indignos Sac. Cæsareâ Majestas vestra æstimaverit: quod si majores vires mihi suppetissent non alio certè in negotio, quam in isto omnium gravissimo, lubentius aut diligentius uti iis maluissem. Expiabunt etiam quadantenus, uti spero conatum meorum tenuitatem molimina & contentiones illæ enixissimæ a Sacrà Regia Majestate Domino meo Clementissimo tot annos pro pace per *Europam* restauranda exantlata; Saltem de meritis & gloriâ Regis optimi haud quaquam delibabit quod humeri nostri tanto oneri haud ex æquo responderint. Deo Opt. Max. supremo Belli & Pacis Arbitro Gratias, prout par est immortales! quod populo suo laboranti & ad extremas quasq; angustias redactò, hâc pace (quam universalem fore brevi spes est) consultum voluerit; Faxit eadem divina bonitas ut pax hæc integra & illibata maneat & ad seros nepotes usq; derivari possit utq; Sacra Cæsareâ Majestas vestra quam diutissimè vigeat incolumis ac felicissimo Rerum atq; Consiliorum suorum progressu & eventu perpetuùm florentissima. Dabam Noviomagi 8 die *Augusti* Anno Dom. 1679. Sacræ Cæsareæ Regiaq; Majestatis vestræ, &c.

*L. Jenkins.*

*Messieurs les Bourgomaistres de Nimegue, à S. Exc. M. Jenkins.*

*Tres Noble & Tres Excellent Seigneur,*

**M**Ercredy passé le peintre Tuart nous delivra le Pourtraict de vôtre Excellence, au quel il a fait tout ce qu'on a pu attendre d'un excellent peynte, Nous avons voulu vous en donner cet advis, non seulement à fin que le Sieur Tuart eust un tesmoignage d'avoir satisfait à vos Ordres, Mais sur tout aussi, pour vous remercier de l'honneur, que nous & tout le Corps de cette Ville avons reçu par la; Le dit Sieur Tuart nous à donne sujet d'esperer que nous recevrons aussi bien tôt les Pourtraits des Messieurs *Hyde & Temple*; vôtre Excellence ayant eu la bonté de les en prier de nôtre part, & eux de l'accorder, en sorte que le dit Sieur Tuart leur auroit déjà envoyé la mesure du tableau; Nous aurons soin que les respects que nous portons tant à vos Caracteres, qu'à vos personnes soit conservé par tout, vous assurant en particulier, que nous garderons pour toujours dedans nos cœurs la souvenance de l'honneur, des Amities, des Civilites, & des avis salutaires en beaucoup de difficultez, que nous avons reçu de vôtre Excellence pendant vôtre tres honorable residence chez nous, La quelle

quelle souvenance nous fournira en tout temps un Pourtrait, plus accomply, d'une bonté singuliere, d'une Genie fait pour la paix, & des toutes autres vertus & qualités, qui ont esté nécessaires à un Mediateur de la Paix universelle, que jamais peintre ne nous auroit peu faire de vòtre personne. Par les quelles hautes qualités aussi vous este tellement acquis nos cœurs, & nos affections, que nous demeurerons perpetuellement, vòtre tres hables Serviteurs & Amis, les Bourgomaistres, Echevins, & Conseillers de la *Nimeguen*. Au nom de susdits.

*Nimegue ce 15 Nov. 1679.*

*Coenraedt Singendonck. Wil. Waters.*

*Response à Messieurs les Bourgomaistres de Nimegue.*

MESSIEURS,

**J**E suis bien fâché de me voir prevenu par vòtre Lettre, si obligeante du 15 *Novembre*, qui me porte la continuation de vòtre Amitié, & un surcroist de tant de civilitez déjà reccües ; Mais je ne sçauois estre tout à fait si vain, que d'appliquer à moy mesme l'honneur que vous me faites par vòtre Lettre & les souvenances si obligeantes dont elle parle, Je les crois plutôt des marques du respect que vòtre ville porte, & que Messieurs vos Magistrats ont temoigné tant des fois pour le Roy mon Maître. Ce me seroit pourtant une grand joye que de pouvoir être aucunement serviceable à vòtre Ville, ou à aucun particulier de vòtre Corps, Ce qui me manqua jusques icy, encore que les ordres de sa Majesté aussi bien que ma propre affection m'y portassent. Je ne doute pas, que Messieurs mes Collegues n'eurent les mesmes ordres & ressentiments ; Et comme vous nous faites esperer, Messieurs, que nos portraits auront le rang & lieu deu à nòtre Caractere & Fonction dans vòtre maison de Ville, en souvenance d'une piece de la paix generale qu'on y a formée, assurez vous aussi que vòtre Ville aura toujours la premiere place sur les tableaux de nos Cœurs. J'E suis bein aisé que le peintre *Anglois* vous à donné quelque contentement, bien qu'en acceptant ce qu'il fit, & en le mettant parmy tant des Patriots & Pacifiques. Vous redoublez tellement mes Obligations personnelles qu'il me falloit employer quelque main & plume plus habile que la mienne pour en faire mes reconnoissances : ou il faut, comme font les Cosmographes, représenter des choses presque immenses par un trait ; puisque je ne seray jamais capable de monstrier en effect, combien je suis en verité, & seray toute ma vie, MESSIEURS, &c.

*L. Jenkins.*

*Messieurs les Etats de Zealand, à M. Jenkins.*

MONSIEUR,

**N**OUS ne doutons pas que vòtre Excellence durant le temps de son emploie aupres de cet Estat, a receu tant de preuves d'estime pour la Personne & Caractere, qu'elle en est demeurée entierement satisfaite ; Et comme nous avons eu toujours, & même dans les Conjunctures les plus difficiles, un Zele tres particulier pour la personne sacrée de sa Majesté de la *Grand Bretagne*, & par conséquent pour ses Ministres, & particulierement pour Vòtre Excellence, à cause de beaucoup de belles Qualités & vertus qui se rencontrent en elle, nous sommes autant plus fâchez du mécontentement, que nous venons d'entendre que vòtre Excellence continue contre les officiers de recherche à *Lillo*, à cause qu'ils n'avoient pas temoigné le respect que vòtre Excellence en suite de son haut Employ, avoit attendu d'eux, nous avons donné ordre d'examiner cette affaire plus exactement, pour en montrer nòtre ressentiment contre ceux, qui en seroient trouvez coupables, & ainsi de satisfaire en même temps à ce, que Vòtre Excellence pourroit desirer de nous, & nous ne doutons nullement que ce soin donnera tant de Satisfaction à Vòtre Excellence, qu'elle ne pours-uivra plus cette fâcheuse affaire, Mais la voudra plutôt mettre en oblie, & nous donner par là une nouvelle marque de sa prudence & generosité. Au reste, nous souhaitons, MONSIEUR, que le ciel vous conserve long temps, pour le service de son Roy en la Charge dont sa Majesté Vous a nouvellement honoré, dont même les communs interests en pourront grandement profiter. Escrite en nòtre Cour à *Middelbourg*, le 4 *Juillet* 1680.

CHARLES R.

**O**UR Will and Pleasure is, that you forthwith prepare a Bill for Our Royal Signature, to pass Our Privy Seal in the Words following :

Vol. II.

R r r r 2

C. R.

C. R.

**T**O the Commissioners of Our Treasury, and all other Officers of Our Exchequer now being, and to Our Treasurer, Chancellor, and under Treasurer of Our Exchequer, the Commissioners of Our Treasury, and all other Officers and Ministers of the Exchequer, that hereafter shall be, Greeting.

WHEREAS one Thousand seven Hundred Sixty one Ounces a Quarter and half Quarter of an Ounce of white Plate, being the Parcels hereafter mentioned, were delivered out of Our Jewel-House unto Our Right Trusty and Well-beloved Councillour, *Henry Coventry*, Esq; one of Our Principal Secretaries of State, for the Service of his Table, as appears by Indenture made the 10<sup>th</sup> Day of *February*, in the 26<sup>th</sup> Year of Our Reign, between the said *Henry Coventry* and Sir *Gilbert Talbot*, Knt. Master and Treasurer of Our Jewels and Plate, which Parcels were as followeth: *Imprimis*, five large Dishes *Ar. Gr. Poiz.* 666. o. o, &c.

AND whereas Seven Hundred thirty two Ounces and one quarter of gilt Plate, and three thousand seven Hundred ninety nine Ounces half and half quarter of an Ounce of white Plate, being the Parcels hereafter mentioned, were delivered out of Our Jewel-House unto Our Right Trusty and Well-beloved Councillour Sir *Leoline Jenkins*, Knt. for his Service in his House, when We sent him Our Ambassador Extraordinary to *Nimeguen*, as appears by Indenture made the 7<sup>th</sup> Day of *December*, in the seven and twentieth Year of Our Reign, between the said Sir *Leoline Jenkins*, and the aforesaid Sir *Gilbert Talbot*, the said Sir *Leoline Jenkins* having, at the Expiration of the said Embassy, redelivered the said Plate into Our Jewel-House, according to his Indenture, the Parcels whereof were as followeth: Two gilt chased Basons, two gilt chased Flagons, *Ar. Gr. Poiz.* 594. 3. o, &c.

Now know ye, that We, out of Our Princely Bounty, and in Consideration of the many faithful and acceptable Services performed unto Us by the said *Henry Coventry*, as well in Our Affairs and Embassies Abroad, as during the Time of his being Our Councillour and Secretary of State at Home, have thought fit freely to give and bestow all the aforesaid Quantities of gilt and white Plate upon him without Account, as well those Parcels deliver'd to himself, as those also delivered unto the said Sir *L. Jenkins*, and redelivered by him as aforesaid. Our Will and Pleasure therefore is, and We do hereby authorize and command You forthwith to give Direction to the said Sir *Gilbert*, to discharge the said *H. Coventry* of all the said white Plate, so delivered to him as aforesaid, and to cancel and make void his said Indenture for the same. And also to deliver unto him, the said *Henry Coventry*, as of Our free Gift, all and every the said Parcels of gilt and white Plate, which were delivered unto the said Sir *L. Jenkins*, and by him redeliver'd into our Jewel-House as aforesaid. And these Our Letters being entered upon Record in Our Exchequer shall be unto You, and to Our Auditor, for allowing thereof upon the Account of the said Master and Treasurer of Our Jewels and Plate, and for discharging him of all the foresaid Parcels of Plate, a sufficient Warrant and Discharge. Given at Our Court at *Whitehall*, the 17<sup>th</sup> Day of *April* 1680. in the 32<sup>d</sup> Year of Our Reign.

To the Clerk of Our Signet attending.

*To the Duke of York.*

*May it please your Royal Highness,*

**Y**OUR Highness will pardon me in presuming again to touch upon a Point that seemed to be agreed by so many of my Lords of the Council. I have been ever since in great Anxiety, and hope your Highness will believe, that what I am now going to say, proceeds from an unfeigned Sense of my Duty, and are the Sentiments of one that desires nothing more than the Welfare of his Majesty and your Royal Highness, and the Peace of the Kingdom.

THE Petition of the City, I must confess, is a most seditious Libel on his Majesty, whose undoubted Prerogative it is, to prorogue or dissolve the Parliament. It accuses his Majesty of interrupting the publick Justice of the Nation, and insinuates as if he design'd to live without Parliaments, at a Time when he hath declared the contrary to all the World. And I confess it is the more heinous, in that they were not content to present it to his Majesty's own Royal Hands, but, as it were in mistrust of his Justice, have already appealed to the People, and with great Industry have dispersed it into several Parts of the Kingdom.

ALL this, and much more, I confess to your Highness; and shall as freely own, that altho' it may be lawful for the Subject to present their Petition for Redress in any



any of their Grievances or Necessities, yet that it ought to be in an humble and modest Manner, in Words of Honour and Obedience, and not in factious and tumultuous Terms; much less in Matters of State, or (as this is) to charge his Majesty to his Face with Mismanagement, and the Interruption of Justice. And it is some Aggravation I confess, in that the Offence is committed by the Common Council, as if they were the Common Council and Representatives of the whole Nation, instead of this single Corporation.

THAT a Corporation may commit Offences, and may be punished for those Offences, I shall not presume to doubt, after what my Lord Chief Justice has said upon that Subject; or that *London* may forfeit their Franchises for such Offences, as well as any other Corporation. For as other Corporations are Creatures of the Crown, and commence by the Royal Authority, so does that of *London*, and consequently is, or ought to be, as much under the King's Obedience, as any other Corporation. If there is any Difference, it is in this, that his Majesty, and his Royal Predecessors, have been more bountiful and indulgent to them, than to any other City or Body of Men. For me, I say, to make a Doubt of this by any little Scruples of my own, would be, it seems, to unsettle Judgments, that have been given in former Times, in Cases of the like Nature, and as my Lord Chief Justice was pleased to say, in the Case of this very Corporation.

I well know it is a Condition annexed to all Bodies politic, whether they be established on Account of Religion or Policy, that the Trust reposed in them be fully and faithfully discharged. If it be not, and the Intention of their Erection not complied with, they become rather publick Grievances. And this Condition, tho' it is only implied by Law, yet is of as strict an Obligation, as if it had been literally expressed in their Charters of Foundation.

BUT there can be as little Doubt, that it is in the Election of the Crown, and in his Majesty's own Royal Breast, whether he will proceed for such Offences or Breaches of Trust, against the Parties delinquents, in their private, or in their publick Capacities; I shall therefore, with your Royal Highness's Permission, next consider, which Method of the two is most adviseable, in the present Situation of Affairs.

THE Petition may indeed be called, in Construction of Law, the Act of the whole Corporation, inasmuch as it was presented by the Common Council, who are chosen by, and consequently represent the whole Community; and their Acts may be, for what I know, of the same Force and Obligation in Law, as if done by every individual Member. But yet I am far from thinking, it really was the Act or Assent of the whole. There is abundant Reason to think, that this Act then was, and still is disapproved; nay, I can affirm upon my own Knowledge, is detested by many thousands of his Majesty's loyal Subjects in the City; and your Highness well knows, who were the chief Promoters of this, as well as of some other late Acts of Disloyalty.

YOUR Highness will also, I doubt not, consider, that all corporate Bodies determine their Acts by the Majority, and that Majority often not above one or two Votes; sometimes their Resolutions are carried by Surprise, and undue Management or Misrepresentations, as I doubt not but this was; and therefore I must humbly submit to your Highness, whether it be reasonable or just, in such a Case, for the whole Corporation to suffer; and many innocent Persons, who did not at all concur, to be involved in one and the same Measure of Punishment. Let not your Highness be angry, and I will yet speak; had the Petitioners committed even some greater Offence, (as I take leave to suppose they might have committed) they could not undergo a greater Degree of Punishment than what is now proposed, *viz.* the entire Forfeiture of their Privileges, and of their very Being as a Corporation.

YOUR Highness, I doubt not, will also consider the many Mischiefs and Inconveniencies that must necessarily follow, if this great Body should be dissolved for ever so small a Time, even tho' his Majesty in his Goodness should design it only *in terrorem*, and to awaken them into a due Sense of their Obedience; and when that gracious End is obtained, should be pleased to restore them to their former Franchises.

IN a Word, if such a rigorous Course should be taken, I fear it may give Room to malicious Suggestions, and foment the present Heats and Distempers of the Nation, and may (tho' without just Reason) alarm all other Corporations. I cannot therefore conceive it adviseable, or fit for his Majesty's present Service (all Things consider'd) to proceed to such Extremities against the whole Body, but rather to direct Proceedings against the most obnoxious Members in their private Capacities; but yet shall submit with all Humility to his Majesty's and your Royal Highness's Wisdom, as becomes, &c.

L. Jenkins.  
To



To Mr. Secretary Jenkins.

SIR,

Paris, Dec. 16. 1682.

I Went yesterday to *Versailles*, with a Resolution to move M. de Croissy, in an Affair of certain Merchants of *Jersey*, who have made Complaint to me, that whereas, Time out of Mind, they have traffick'd with this Nation in Stockings and other Manufactures, and have always had the Liberty, after they had made their Markets here, and bought Commodities, which they usually carried Home, to carry the Remainder of their Money in Specie with them, without ever being stopp'd, under Pre-  
 tence of any Edict; it nevertheless happened the other Day, that embarking them-  
 selves at the Port of *Containevill* in *Normandy* in a Vessel, with several Bags of Silver with them, they were arrested, and their Money seized by the Officers of the *Doüanes*, and yet detained by them. They desired me to make Instances for them at the Court, which, with his Majesty's Leave, I shall willingly do, because I believe their Case to be hard, and their Complaint just. At my Arrival at Court, I found them there, and they told me, that they having presented a *Requête* at their first Arrival to M. Colbert, had yesterday this Answer to it: That their Demand was not granted; and without giving them any other Answer, their Petition was return'd. I was the more surprized at this Proceeding, because you was pleased to advise me, that his Majesty had ordered you to speak to M. Barillon about it. Yet I thought it best to take no Notice of what I had been informed, but to go directly to M. de Croissy; which I did, and to acquaint him with the Orders I had received, and to satisfy him that it had been a Liberty always granted to the People of those Islands, to export Money for their Merchandise from this Kingdom; the Subjects of which had also the same Liberty of transporting from thence Money in Specie for their Cattle, Wine, and Manufactures. He told me, he could say nothing to that Usage, but began to refine upon it, how that in general all Nations did prohibit the carrying out of their Coin, and therefore it could not be wondred at, if *France* did the same. I agreed to that, but at the same Time told him, that this Matter was regulated in the late Treaty of Commerce, concluded between the two Crowns in *February* 1677. and show'd him the Copy of the Article relating to it; and when I urged to him the Words of it, and the Reflexions you was pleased to impart to me upon it, he could not offer much against it, but promised me to represent the Matter to the King. I gave him to understand, that I had his Majesty's Orders to use my utmost Endeavours to procure the Restitution of the Money, and to prevent any such Proceeding for the future; and that if Justice were not soon done, I should find myself indispensably obliged to apply to his Most Christian Majesty in it. So that by the next Post, I hope to be enabled to give you a further Account of this Affair, &c.

Preston.

To Mr. Secretary Jenkins.

SIR,

Paris, Dec. 30. 1682.

I Am told M. Barillon hath written to M. de Croissy that you had spoken to him from the King, and recommended earnestly the Affair of the *Jersey* Merchants to him, and that he hath also desired him to use his Endeavours that they may have Satisfaction. I had also the other Day, an Opportunity of moving the King himself in it, and of acquainting him fully with the Case of these Men; he heard me very favourably, and was pleased to tell me, that no more had been done here, than was practised in all the Countries of the World, which prohibited the exporting of their Coin; that he believed they were as exact in this Matter in *England*, as in any other Place. To that I answer'd, that this Matter was regulated by a Treaty. His Majesty then said, the Words of that Treaty were to be considered of; and added, that I saw how ready he was upon all Occasions to comply with, and oblige the King my Master, in all considerable Things which he could propose; and that it was only some of those little Things, which sometimes happened, that he was forc'd to refuse; however, that he would consider of this Matter, and that I should have his Answer soon. I answer'd, that the King my Master was very sensible of his Majesty's obliging Carriage towards him, and that I was well assured, that he would not be wanting to perform those Offices, which may contribute to that Amity and good Correspondence, which is at present betwixt them; that in such Cases as this, when his Majesty's Subjects desired his Protection, his Majesty had ever granted it to them, and that I should attend, till he was pleased to give me an Answer, which I assured myself will be very just and favourable. I am since made to believe, that it is design'd, that these Men shall have their Money restored to them, but that it shall be as a Grace, and not of Right.

If

If it be so, and we cannot have the Point settled at once, new Complaints will every Day arise, and his Majesty and his Ministers here will never be free from them.

THE Explanation which you was pleased to make of that Article of the Treaty of Commerce, which declareth Silver and Gold coined, or not coined, not to be Merchandize of Contreband, is extremely just and *à propos*. I did at first apprehend that the Treaty was too weak to ground an Argument upon alone; and therefore I never failed at all Times to urge that Argument of the reciprocal Connivance for the Advantage of both Nations with it. But having pressed the Words of the Treaty two or three Times at first to *M. de Croissy*, upon the Strength of what you formerly hinted, and finding that he made no very great Objections to it, I was willing to make the best of them, in Hopes to have had an Answer before they had too long thought upon the Matter. So soon as I have the King's Resolution upon it, I shall transmit it to you. I am, &c.

*Preston.*

*To Mr. Secretary Jenkins.*

SIR,

*Paris 1681.*

I Send this in Favour of a Protestant Linen Draper, *Mr. Bonhome*, who with all his Substance is resolved to retire into *England*; in order to which he has pack'd up his Shop, and sent it in Specie to *Dunkirk*; having paid all the Duties and Customs on this Side for Exportation; but being now told, that his Religion will not hinder the Confiscation of his Goods, he goes first to *London* himself, before he will hazard his Effects; this being his Case, he desires a Recommendation to you, begging your Favour and Assistance: Which I hope your Honour will please to afford him, as far as the Law will permit. Which, if stretched a little upon the Account of Religion, will not, I believe, give Offence to the most rigorous Legislatures. This Man will be able also to give you some Lights into the Method of bringing the Manufacture of Sail-Cloth into *England*, (the Project I have been always fond of) which may entitle him to some Favour; tho' I need not in the least doubt, but he will, from your own Goodness and Bounty, find all the regular Assistance desired on his Behalf. Here is a Protestant Haberdasher in the same Trouble, about to carry his Effects. Pray, SIR, instruct me what to say to such People upon the like Occasions. I cannot but think these Matters are worth a serious Consideration; for besides the favouring of Protestants, if we refuse to take substantial Tradesmen with their Wares, they will go into *Holland*; so that they will get the rich Merchants, and we only the poor ones. I am, &c.

*S. Savil.*

*To Henry Lord Bishop of London.*

*Right Reverend Father in God, Our Right Trusty and well-beloved Councillor, &c.*

WHEREAS We are given to understand, that divers Persons and Families of Protestants in the Kingdom of *France*, have lately withdrawn themselves from thence, to avoid those Hardships and Extremities which are brought upon them there for the Sake of Religion, and have betaken themselves into this Our Kingdom, as a Place of Refuge, where they may enjoy the Liberty and Security of their Persons and Consciences: And whereas most of them, if not all, having been forced to abandon their Native Abodes and Accommodations in Hast and Confusion, must needs be destitute of fitting Conveniencies for their Relief and Subsistence: We being touched with a true Sense, and serious Compassion of their deplorable Condition, and looking upon them not only as distressed Strangers, but chiefly as persecuted Christians, are very desirous to extend Our Royal Favour and Protection towards them, not doubting but all Our good and loving Subjects will be also willing and forward, on their Parts, to do what may reasonably conduce to their Comfort in this their Day of Affliction. We do therefore in a very special Manner recommend their Case unto your pious Consideration, hereby requiring you forthwith to give Directions unto all the Clergy of Our City of *London*, that in their solemn Congregations upon the Lord's Day, they represent the sad State of those poor People, and by the most effectual Arguments of Christian Charity, excite their Parishioners to contribute freely towards the Supply of their Necessities. We shall not need to press you in this Behalf, well knowing your Zeal in so good a Work, which will be no less pleasing to Us, than we are sure it will be acceptable to the Great God. And so We bid you heartily farewell. Given at Our Court at *Windsor*, the 22<sup>d</sup> Day of July 1681. in the 33<sup>d</sup> Year of Our Reign. CH. R. By His Majesty's Command,

*L. Jenkins.*

*To our Right Trusty and Well-beloved Sir Patience Ward, Knt. Lord Mayor of our City of London.*

**R**IGHT Trusty and Well-beloved, We greet you well. Being given to understand, that many Protestants of the Kingdom of *France*, finding themselves under great Straits and Pressures there for the Sake of their Religion, have chosen rather to leave their Native Country, than to hazard the Ruin of their Consciences, and therefore good Numbers of them are come into this Our Kingdom for Shelter and Security. We are very desirous that they should not only meet with kind Reception here, but also with that Benevolence and Charity which may in some reasonable Measure contribute towards their Relief and Comfort in this their Affliction. To which End, we have signified Our Pleasure to the Lord Bishop of *London*, requiring him to give Directions unto the Clergy of that Our City, to represent the sad Condition of these poor People in their Congregations, and also to excite their Parishioners to the free and chearful Relief of their distressed Brethren. But as We cannot have too many Hands imployed in so good a Work, so we have thought fit to recommend the same unto you also: That by your Influence and Co-operation, Our good Subjects inhabiting in that Our City may be induced and obliged to a more effectual Demonstration of their Liberality on this Occasion. And so we bid you heartily farewell. Given at Our Court at *Windsor*, the 22<sup>d</sup> Day of *July* 1681. CH. R.

By His Majesty's Command,

*L. Jenkins.*

*To Don Francisco de Mello, Ambassador Extraordinary from Portugal.*

SIR,

*Dec. 1680.*

**T**HE King my most gracious Sovereign and Master, having seriously reflected upon an Overture made by you *Don Francisco de Mello*, for your publick Entry and Reception in this Court, as Ambassador Extraordinary from the Crown of *Portugal*, hath commanded me to impart unto your Excellency the Reasons of the Demur his Majesty hath hitherto made, and also the Terms upon which he is ready to comply with your Desires. His Majesty does own an Obligation from the Nearness of his Alliance with that Crown, and from the Interests of his own Subjects in the Publick Commerce, to close with all good Occasions, and especially with this of your Presence and Ministry, (his Majesty, SIR, having a singular great Esteem for your Person and Merit) in order to advance the Good and Grandeur of that Crown, and to establish the strictest Correspondence, Union, and Commerce, that can be between the Two Kingdoms. Yet his Majesty cannot, on the other Side, but call to Mind, that his dear Brother *Don Alphonso* the VI<sup>th</sup>, King of *Portugal*, &c. after he had been declared Major, and Crown'd King, and also in his own Name exercised all Acts of Regal Sovereignty in his Kingdom, both in War and Peace, for several Years, was very unexpectedly, and upon the sudden, removed, and carried away from his Throne and Government. And that both before and since the Removal of King *Don Alphonso*, there have been several Changes and Proceedings in the Royal Family there, that are hitherto dark and unaccountable at this Distance; and concerning which, (as to their Agreeableness with Publick Honour and Justice) there has not been such Care to inform and satisfy his Majesty, as his Friendship with that Crown, and his Interest in that Family, might (as his Majesty conceives) very justly challenge: His Majesty therefore having as perfect a Tenderness and Concern, as any Christian Prince can have, for the Honour and Safety of all Crowned Heads, most especially of so near an Ally, from all Violences among their own Subjects; and having espoused the Interests of that Royal Family, by choosing out of it our most gracious Queen his Consort, can do no less (whatever other Princes his Neighbours, either out of Interest or Indifferency may have done in this Case) than expect, and resolve to be fully satisfied in his own Royal Judgment, that the present Possession which the Prince *Don Pedro* has taken of the Kingdom of *Portugal*, and the Dominions thereunto belonging, is such as the Law of Nations, and the Constitutions of that Kingdom, do warrant, before your Excellency be received to any Publick Audience. I do therefore, by the King my Master's most express and special Command, and in his Royal Name and Behalf, hereby declare, that nothing can be more welcome to his Majesty, than an Opportunity to demonstrate the sincere Affection he hath for his dear Brother-in-law the Prince *Don Pedro*; and for the Grandeur of his Estate and Dignity;

nity ; and also for the establishing of the strictest Commerce and Conjunction possible between the Two Crowns : And that in order thereto, his Majesty is most willing to receive and treat with your Excellency, as Ambassador from the Crown of *Portugal*, and as a Person qualified in all Things suitable to his Majesty's Affections and Desires ; but I do likewise declare and protest, in his Majesty's Name, that his Majesty intends not to admit of your Excellency, to represent the Person of any other, than that of his dear Brother *Alphonso VI.* King of *Portugal*, in this Court ; unless it be first made appear to his Majesty, either that the King *Don Alphonso* has freely and voluntarily resigned, renounced, and divested himself of his Kingdom and Government, and without any Fear, Constraint, or Surprize ; or else, that the Prince *Don Pedro* his Brother, pretends to no more at present, than a necessary Curatorship and Lieutenancy in the said Government, during the King his Brother's Absence, or other Impediment allowable by the Law of Nations, and the ancient fundamental Laws of that Government, and no longer, or otherwise. And this, SIR, you must expect, that his Majesty will declare to be his Meaning, if such previous Satisfaction as his Majesty expects are not given, to make your Excellency's Way for a Publick Audience. This being a Piece of Justice his Majesty conceives himself to owe indispensably to his Alliance with K. *Alphonso*, and to the Interests of the Queen, the King my Master's Royal Consort. I am, &c.

*L. Jenkins.*

*To the Lord Viscount Dunkelly.*

C. R.

**R**IGHT Trusty and Well-beloved Cousin, We greet you well. It is with singular great Satisfaction that We have understood of your being thoroughly instructed in the true Protestant Religion, as it stands established by Law in that Our Kingdom, and that you have thereupon united yourself to the Protestant Church there, having forsaken that of *Rome* : We shall not here enlarge, to tell you how great a Gainer you are in several Respects by this Exchange ; but we are glad of this Occasion to observe to you, that you have happily rescued yourself from a Foreign Jurisdiction and Dependance, which too many of our Subjects in *Ireland* do make a main essential Point of their Christianity ; and yet that Dependance is such, as hath always given Jealousies to the Crown, and sometimes brought it to great Extremities of Danger, most especially in the late *Irish* Rebellion, which was enter'd into meerly for maintaining of that Dependance, and yet was so cruel, that no Christian can yet think of it without Horrour. The Religion that you have now embraced, teaches you better Things, hardly allowing so much as the Possibility of a Case, where it may be lawful for Subjects to take up Arms against their Sovereign. As such a Religion is the best Security to the Publick Peace, so upon your professing of it, we are readily inclined to allow you the same Privileges, which our other Protestant Subjects of your Quality do enjoy. We have therefore ordered Our Chancellor of that Kingdom, to insert your Name in the Commission of the Peace, and to issue out Our Gracious Writ of Summons, when a Parliament is called in that Our Kingdom, whereby you may sit as a Baron in Our House of Peers, in the Right of one of the ancient Baronies belonging to your Family ; to the End you may miss no Opportunity nor Advantage incident to your Quality, to assert and maintain the true Protestant Religion, as also to maintain and support, as Occasion shall require, the Rights of Our Crown, together with the Liberties and Properties of Our Subjects. And so We bid you heartily farewell. Given at Our Court at *Whitehall*, the 23<sup>d</sup> of *June* 1680, in the 32<sup>d</sup> Year of Our Reign. By His Majesty's Command,

*L. Jenkins.*

*To His Royal Highness the Duke of York.*

*May it please your Highness,*

**T**HIS Discourse (or what else you please to call it) was brought to me by the *Canterbury* Carrier ; and your Royal Highness will see, in the following Leaf, how it comes to be address'd to my Hands. The Author I have known long since ; he was Chaplain to my late Lord Archbishop of *Canterbury* ; his Name is Dr. *Samuel Parker*, (at present) Archdeacon of *Canterbury*. As I have not had any Communication with him of any kind these many Years, so the coming of this Treatise to my Hands is a perfect Surprize ; yet seeing the Subject Matter of it is that which we all heartily pray and contend for, I durst not but commit it to this present Conveyance, beseeching Almighty God to give a Blessing upon it. I am, &c.

*L. Jenkins.*

To Sir Lcoline Jenkins.

Right Honourable SIR,

HAVING been lately confin'd with a great Indisposition of Health, and not knowing how the Divine Providence might be pleas'd to dispose of me, after I had settl'd my own private Affairs as well as I could, an extravagant Thought thrust it self vehemently upon me, to leave a Legacy for his Royal Highness, which, in those better Intervals I enjoyed, I compos'd, and out of that eager Zeal I have for the true Settlement of the Church of *England*, cannot forbear to present it. And in Order to it, make bold to convey it to your Honour; and if your Curiosity will support your Patience to peruse it, I submit it entirely to your Wisdom to dispose of it as you please. Tho' I have no Reason to expect any Success from so weak an Endeavour, yet the very Decency of the Design in a Priest of the Church of *England*, will at least warrant it self; for I have only address'd myself to his Royal Highness's Conscience, without any Regard to his worldly Interest; and that is a Thing that any Church-man, that has a sincere Love for his Religion, is not only authoris'd, but oblig'd to do; and as for the Event of such unlikely Attempts, they are to be entirely left to the over-ruling Providence of God. However, I request the Favour of your Perusal; and if you judge not the Design utterly ridiculous, to convey it to his Highness. If you are tempted to smile at my Folly, I beseech you to impute it to my present Weakness; and when I am in a better Condition of Health, for which I thank God I am now in a very fair Way, perhaps I shall be as forward as any to laugh at the Oddness of the Attempt. But whatever it is, I am sure it has the Warrant of a good Meaning from, SIR, &c.

S. Parker.

To the Duke of York in Scotland.

May it please your Highness,

Dec. 8. 1686.

THE Bearer going Express, I most humbly beg Leave of your Royal Highness, to say a few Words that have long lain upon my Heart, tho' they are no other than what I have sometimes offer'd to pour out in the Agony of my Soul, when I have been at your Royal Feet; and tho' no other than what many abler Persons have already said, I doubt not, in a more satisfactory Manner than I can pretend to do.

Your Royal Highness will easily guess, that 'tis about the Communion, I not only hear, but greatly fear you are now gone over to. I confess this is not the most proper Time for Overtures of this kind, the great Work of yesterday makes me apprehend, that your Royal Highness, like the Traveller in *Italy*, will wrap your Cloak the more eagerly about you, as the Blast of the cold *Sciorocco* was violent to strip you of it. And when I do presume to say any Thing of this kind, it is not only with that perfect Submission which I owe to your Royal Highness, but also with a Protestation, that I do not so much as wish your Royal Highness returned to our Communion again with a Conscience left upon the Rack for so doing, or else out of such a Compliance, as prefers a Temporal Interest, tho' never so considerable, before the Peace of your own Soul. All therefore that I beg is, (and I beg it with all the earnest Passion and Sincerity that is possible) that your Royal Highness would give Way to some able and pious Persons of our Church, to inform your Conscience what you may do in the present Exigency; and that your Highness would graciously permit them to offer such Motives, as, I hope, by God's Grace, might be effectual to persuade your Highness to return to our Communion.

It were needless for me to enter into a particular Detail of what a good and able Man may say in such a Case, in order to the satisfying of your Conscience: But there are two Grounds more than ordinary, that I think a Person might with great Reason build upon.

THE one is, that your Royal Highness is under all the Obligations imaginable to the King, to your own Princely Family, and to your Friends, to consider whether there be a Possibility for you, with a safe Conscience, to return to that Church that you have left.

THE other Ground is, that you have surrendred your self to those of the *Roman* Communion, before you had us'd the ordinary Means in your Power to discover, whether there were sufficient Grounds in good Conscience for you to depart from the Church in which you had received your Baptism and Education, upon Prejudices never debated or consider'd of as they ought to have been, in a Business of that Weight and Tenderness.

THIS

**T**HIS I say upon a Principle which I think cannot be denied me. It is, that whatever Terms and Conditions of Communion one National Church may pretend to, or exact from another National Church, or else in case the Terms demanded be not granted, then to break with it; yet a single Christian is not at the same Time at Liberty to break off upon the same Terms, from that Church in which he received his Baptism. And this I take to be your Royal Highness's Case.

**T**HIS being laid down for a Ground, I do humbly presume to say, that your Royal Highness cannot enquire too much, or too earnestly, whether you have done justifiably or not, in breaking off from the Church of *England* upon those Persuasions, or (if I may take Leave so to call them) Prejudices, that you have entertained against it.

I will therefore presume humbly to say, that, besides what you owe to the Injunctions of your Martyred Father, and the rest of the Protestant World, you are bound in Justice, 1. To the Church of *England*. 2. In Submission to the King your Royal Brother. 3. In natural Affection to your Children. 4. In Charity to these Three unhappy Nations, to use all the Means possible to inform your self, whether you can with a safe Conscience return again to this Communion.

1. To the Church you owe it, because you have departed out of her Bosom, at a Time when she gave you no just Cause to do so; and at a Time when she, that is, every true Son of the Church of *England*, professeth a Readiness to sacrifice their All, rather than to do your Highness the least Wrong in your Birth-right. Besides, the Breaches that are made upon her, are reckoned to be the greater, because of that Countenance and Protection that Dissenters from her have received, by the Influence of your Authority at Court and elsewhere.

2. To the King you owe it; for he is upon the Rack at this Time, as your Highness well knows; and nothing, humanely speaking, can deliver him, or keep his Crown upon his Head, but your returning and being re-united to this Communion. To speak plainly, if 500 Men should happen at this Time to assemble themselves, (as they have formerly done in the Reigns of some of your Royal Ancestors) they would gather to an incredible Number in a few Days; and if in such a Tumult they should demand the King's Person, I do not see any Man, or Body of Men, capable of resisting them. I hope your Highness will pardon this Supposition; but from the present Distempers of the Nation, and the Ferment of the House of Commons, what is there that one may not justly apprehend?

3. You owe it to your Royal Children; I dare not, I need not say a Word more upon a Point so highly moving, and infinitely tender, there being more in it than I am able to express.

4. **LASTLY**, Your Highness owes it to the Three Nations; for tho' the late unnatural Heats and Debates may work on your Passions, and you may possibly be tempted to think, that this Obligation is in some Measure cancelled by their Ingratitude and Averseness at this Time; yet it was the Sentiment of an Heathen Emperor, and it is, I doubt not, much more yours, as a Prince exemplarily pious and Christian, that you would rather save the Life of one *Englishman*, (that daily prays for your Welfare and Prosperity) than be the Destruction of a 1000 of your Enemies.

**T**HERE is one Prejudice, I know, hardest of all to be removed, and is a stronger Ingredient to the Inclinations of Princes than of private Men; it is the Point of Honour, and the Shame of a Retreat; and 'tis that which often, under the Disguise of Conscience, really imposes upon the most honest [the rest is lost]

### *To the English Envoy at Portugal.*

SIR,

*Whitehall, April 18. 1684.*

**Y**OU will receive herewith inclosed a very large Letter from his Majesty to the King of *Portugal*, touching the Right acquired to the *English* for the free Exercise of our Religion at *Oporto*; the Letter is framed upon the Draught you were pleased to send me; it hath been debated and approved of by the Lords Committees for Trade and Plantation, and afterwards reported by their Lordships to his Majesty in full Council, as a Letter that hath its Foundations in the Treaties between *England* and that Crown, and the very Reasons proper for his Majesty to write in the Behalf of our Religion, as well as the *English* trading there. I know the Letter for the Length, and probably for the Language of it too, (being *Latin*) will be too tedious and uneasy for that King himself to engage in. Therefore it is not only left, but recommended to your Discretion, at the delivering of it, to introduce it by such Topicks as shall be most plausible, whether from the Practice of all Nations, or from

the Possession we are in, which hath been used with so much of Reserve and Caution that no Scandal in the least hath been given to those Privileges by the Carriage of our Nation.

WHEN you have done with the King, you will apply your self to the Ministers, according to the Part they are like to have in this Negotiation. You will of yourself, I doubt not, decline such Discourses, as may clash with the Bigottry of the Place; and if they should still harp upon the Parallel between our Treaty with *Spain*, and that with *Portugal*; we must oppose to all they can say, our constant Usage at *Lisbon* and at *Oporto*, tho' it had been of late interrupted; we enjoy in *Spain*, what was stipulated there by ancient Treaties; we pretend to no more in *Portugal*, but what was stipulated in 1654; and the Ties and Obligations in both, are equally sacred. If in the *Spanish* Treaties, the principal Intention was to exempt the *English* from the Power of the Inquisition; we have no more to pretend to there, but what is provided for; if the *Portugal* Treaty carries it further, (as it does) *viz.* to the Stipulation of the free Exercise of our Religion in our private Houses; then ought not any Person whatsoever be hindred from partaking in that Freedom, (whether that of preaching, or hearing, administering, or being administered to) which he had Right to by Law in his private House here at Home.

ONE Thing possibly they will contend for, *viz.* that the Liberty enjoy'd at *Lisbon* in the Consul's House, was conniv'd at, *quatenus* he was Consul, and not as Merchant; whereas it is notorious, that all Men of publick Character need no Capitulation for Freedom to exercise their Religion, as to them shall seem meet, in their own Houses; it would have been a futile and insignificant Stipulation in the 14<sup>th</sup> Article of the Treaty in 1654, to have stipulated for the free Exercise of our Religion in private Houses, and at the same Time to have intended no further than the Houses of those that have a Character from the King; for such Houses are under the Protection of a Law, paramount to all Treaties, that is, the Law of Nations.

I am sorry to hear (nor did I hear it till Mr. *Hinde* was in the *Downs*) that he intends to go freight to *Oporto*, before the Effect of his Majesty's Letter with that Court be known. There are in his Company two Men, fierce Papists, that know him to be of the Ministry, and are acquainted with the Mission he goes upon. It would have been more adviseable for him to go freight to *Lisbon*, and to have moved from thence under your Protection, as he should find the Way prepared for him, either by publick Authority, or by Engagement from the Factors at *Oporto*. His Majesty is in a Way, how to take an effectual Course with those, that are mutinous of the one and the other Communion in that Factory, and two or three Privy Seals, 'tis hoped, will quiet them all.

HIS Majesty having been graciously pleas'd to give me leave to withdraw from this Post, for Want of Health to stand under the Burthen of it: My Lord of *Sunderland*, who comes into the Department of the elder Secretary, will have a Care of you, as he hath an Affection for you (which to my Knowledge is very great and entire). When there is any Thing that lies in my Power (in the private Station I am now retiring to) to serve you in, you may command me, as one also that hath a perfect Esteem for your Merit, and a great Sence of that Friendship and Obligations, wherewith you have always thought fit to honour, SIR, &c.

*L. Jenkins.*

JAMES R.

WHEREAS Sir *Leoline Jenkins*, Knt. late Principal Secretary of State, did, by his last Will and Testament, desire and require you, to digest, sort, and to set in Order, such Papers, Writings, and Manuscripts, belonging to the said Sir *L. Jenkins*, as relate to our Service, or the Publick, as Papers of State; to the End the same might be placed in Our Office, commonly called the Paper-Office. And whereas you have accordingly digested the said Papers and Manuscripts, and have made a Register or Index thereof, which We have received from you, and are hereby graciously pleas'd to approve thereof; Our Will and Pleasure is, that you deliver all the said Papers and Manuscripts mentioned and specified in the said Register or Index, together with a Copy of the same, to Our Trusty and Well-beloved Sir *Joseph Williamson*, Knt. Keeper of Our said Paper-Office, there to remain. And for so doing, this shall be your Warrant and Discharge. Given at Our Court at *Windfor*, the 13<sup>th</sup> Day of *June*, 1686. in the 2<sup>d</sup> Year of Our Reign.

By His Majesty's Command,

*Middleton.*

To Owen Wynne, Esq;

RE-



July 1. 1686.

**R**ECEIVED by the Hands of Dr. Owen Wynne, four large Presses, containing the several Papers and Manuscripts, specified in the foregoing Index or Catalogues, together with a Copy of the Index, for the Use of the Paper-Office, by me,

J. Williamson.

## CHARLES R.

**T**HE Society of the Doctors of the Civil Law, Judges, and Advocates of our Courts, now settled at *Doctors-Commons* in London, having to their great Charges rebuilt the same, which was totally burnt down in the late dreadful Fire; have by their humble Supplication beseech'd us, not only for the Discharge of 12*l.* *de facto* laid upon that House before it was burn'd, in *Castle-Baynard* Ward, *pro duobus ultimis subsidii nobis à Laicis Anno Regni nostri xiii Concess.* but also have complained unto us against undue Taxes and Burdens (now since their Return to *Doctors-Commons* by Our Order and Direction) attempted to be laid upon them by the Assessors for that Ward, and other Commissioners, contrary to what is paid by the Society of the *Serjeants-Inn*, and contrary to the Privileges granted to the Society of Doctors by Our Royal Progenitors and Ourselves, which they produced unto Us; as also an Order of the Board of the 13<sup>th</sup> of March, 1634. Wherein it was expressly ordered, that the said House, called *Doctors-Commons*, should be freed from an Assessment then *de facto* laid upon them, towards the Charge of the Ships then set forth by the City of London, for Our Royal Father's Service; and that the Money (if paid for that Assessment) should be restored to the Doctors, and the Lord Mayor of London, to see it accordingly performed; and setting forth the great Benefit that Ward, and that Part of the City, received by their returning to *Doctors-Commons*, and the little Reason that Ward hath to encroach upon them; they humbly pray'd, that We would be graciously pleased to assert and confirm their Privileges, and to give them Relief.

AND We knowing the Usefulness of that Profession for the Service of Us and Our Kingdom in many Affairs, found just Cause to assert their Exemption from Payment of Taxes, Burdens, and Impositions, in the same Manner as the Societies of the *Serjeants-Inns* are, and have used to be.

AND yet We held fit to refer, and did refer the Perusal of their Privileges, and the whole Case, to Our Lord High Treasurer of England, to consider seriously thereof, and to report his Opinion upon the whole Matter to Us, thereupon to declare Our further Pleasure, and order what might be just. And his Lordship having duly considered thereof, and advised with divers of Our Learned Judges of the Common Law, did make this Report unto Us, in the Words following.

*May it please Your Majesty,*

**I** Have not only considered of the Petition of the Doctors of the Society of *Doctors-Commons*, and of their Evidences for their Privileges annex'd, but have also conferr'd with some of the Learned Judges of the Common Law thereupon; and upon the whole Matter, I am of Opinion, that the Society of Doctors ought to pay towards the 18 Months Tax, proportionable to the Ground Rent of their House called *Doctors-Commons*, and so likewise to other Taxes. But none of the Doctors of the Society ought to pay, or be tax'd particularly for their Lodgings, Studies, or Residence, in the said *Doctors-Commons*, (they being there for Judging of Causes, and Practice in their Profession) as the Judges and Serjeants at *Serjeants-Inns* are for theirs; neither are the said Society of Doctors to be burthen'd with bearing of Arms, or any other Office, Military or Civil, nor any of the Doctors residing there; they having respectively Houses and Lands in other Places, where they pay both to the 18 Months Tax, and all other Taxes proportionably for what Estates they have; and therefore I am humbly of Opinion, that the said Society of Doctors, should have and enjoy the same Exemptions, Freedoms, and Privileges, at the *Doctors-Commons*, as the Judges and Serjeants have and enjoy at the *Serjeants-Inn* in London.

At which I humbly submit to Your Majesty's great Wisdom.

*Windsor-House, Nov. 6. 1673.*

*Latimer.*

**W**HICH being well-weighed by Us, We do confirm and ratifie his Lordship's said Report, in every Particular and Respect; and We do by these Presents declare, and absolutely Order, that the said Society of Doctors ought to pay towards the 18 Months Tax proportionable to the Ground Rent of that House, called *Doctors-Commons*,



*Commons*, and so likewise to other Taxes; but that none of the Doctors of that Society ought to pay, or be tax'd, or shall be tax'd or inforced to pay to the said 18 Months Tax, or any other Taxes, particularly for their Lodgings, Studies, or Residence in the said *Doctors-Commons* (they being there as aforesaid, for judging of Causes, and practise in their Professions, as the Judges and Serjeants at *Serjeants-Inn* are for theirs) And do also order, that neither the said Society of Doctors, nor any of the said particular Doctors residing there, ought to be, or shall be otherwise tax'd, or made to pay more than as aforesaid; nor burthen'd with bearing or finding of Arms, or any other Burthens or Impositions, or Offices Military or Civil (they having respectively Houses and Lands in other Places, where they pay to the Taxes proportionably for what Estates they have). But that the said Society of Doctors, and the particular Doctors thereof, residing at *Doctors-Commons*, shall have and enjoy there the same and the like Exemptions and Freedoms, as the Judges and Serjeants have and enjoy at *Serjeants-Inns* in *London*.

Of all which the Lord Mayor of *London* for the Time being, and the Court of Aldermen, and the Commissioners for the 18 Months Tax, and all other Commissioners, and the Assessors for the Time being of *Castle-Baynard Ward*, and all others concerned, are hereby required to take Notice, and see this observed, and govern themselves in every Respect according to this Our Order.

AND We of our certain Knowledge and mere Motion being well pleased, that the said Society of *Doctors-Commons*, and every of them, and the said House called *Doctors-Commons*, be freed and absolutely discharged of and from the said 10 *l.* so *de facto* laid upon that House before the Fire, *infra Wardum de Castle-Baynard pro distis duobus Ultimis subsidis iiii, or integrorum Subsidiorum a Laicis Anno Regni nostri xiii. concess.* Do therefore order, that these Presents be shewed to Our Lord Chief Baron, and other Barons of Our Exchequer, and Enter'd and Registered there, and that they do cause an Order to be Enter'd for the Discharge of the said 12 *l.* and that no Process hereafter do issue against the said House or Society, or any of the Doctors for the same; and the Registering thereof in Our Court of Exchequer, shall be to them, and to all Our Officers, a sufficient Warrant therefore: But the Original signed by Us, to be redeliver'd to the Doctors, to remain with them. Given at Our Court at *Whitehall*, the 12<sup>th</sup> Day of *November* 1673. in the 29<sup>th</sup> Year of Our Reign.

By His Majesty's Command,

*Arlington.*

CHARLES R.

WHEREAS Our Royal Father, of ever blessed Memory, did, by his Order bearing Date the 16<sup>th</sup> of *December* 1632. signify his Royal Pleasure, that the Advocates, Proctors, Registers, and other Officers of his Court of Arches, and other Ecclesiastical Courts, and of his High Court of Admiralty, should be freed and exempted from the Office of Constable, and other inferiour Offices, in like manner as the Counsellors, Attorneys, Registers, or other Officers of any of his Temporal Courts at *Westminster*, have been, and are either by Law, Privilege, or Prescription, freed and exempted; and did thereby declare his Royal Pleasure to the then Lord Mayor of *London*, and the Aldermen, and their Deputies, and to any other whom it might concern, that from thenceforth they should forbear to impole any the said Offices upon the said Officers of his said Ecclesiastical and Admiralty Courts: Which Exemption, We have since Our happy Restoration confirmed to them. And do hereby signify, that it is Our Gracious Will and Pleasure, that all Doctors of the Civil Law, Proctors, Registers, and other Officers of Our Court of Arches, and of other Our Ecclesiastical Courts, and of Our said High Court of Admiralty, be freed and exempted from bearing the Office of Constable, or any other Ward or Parish Office, in their respective Wards and Parishes, in like manner as Serjeants at Law, Attorneys, Registers, or any other Officers of any of Our Temporal Courts at *Westminster*, have been, or are, either by Law, Privilege, or Prescription, freed and exempted. And it is Our farther Will and Pleasure, not to debar any Doctors of the Civil Law, Registers, Proctors, or other Officers of Our said Courts, who do, or shall keep House in any Parish within Our City of *London*, and pay Scot and Lot, and are, or shall be assess'd, or any way tax'd by the Common Council Men, or otherwise, from having and giving their Votes from Time to Time for the Election of Common Council Men, and all Ward and Parish Officers, in their respective Wards and Parishes; but that they shall, and may at all Times, give their Votes and Voices in such Elections, as well as any other Inhabitants who used to vote therein. And that this Our Royal Pleasure shall be signified to Our Right Trusty and Well-beloved the Lord Mayor of  
Our

Our City of London, and the Aldermen of Our said City, and their Deputies, in their respective Wards, and all others whom it may concern. Given at Our Court at Whitehall, the 17<sup>th</sup> Day of July 1682, in the 34<sup>th</sup> Year of Our Reign.

By His Majesty's Command,

*L. Jenkins.*

*To the Right Honourable Sir Leoline Jenkins.*

SIR,

*Doctors-Commons, May 13. 1685.*

**T**HIS Day, at a Meeting of the Society, Sir Richard Lloyd was pleased to acquaint us, that he had attended your Honour with our Petition and Reasons for stated Judges in the Court of Delegates, and that it was your Advice, that the Society should make their Application to his Grace of Canterbury, in order to present it for us to his Majesty: Which Advice with all Thankfulness we embrace; and to the End that it may be the more effectually pursued, 'tis the joint and humble Desire of all the Advocates now present in *Doctors-Commons*, That you, accompanied with the Dean of the Arches, (being our Judges, and so, as we humbly conceive, the fittest to make our Request known) would be pleased to wait on his Grace, to move him, that he would please to deliver our Petition to his Majesty; and that you two would be pleased to attend him, if his Grace thinks it convenient: But in case his Grace shall not think fit to grant this our Request, then it is our humble Desire, that your Honour and Sir R. Lloyd, being waited on by such Advocates as you shall think fit, would present it to his Majesty. Mr. Dean likewise acquainted us, that your Honour thought it requisite, that we should think of a Fund, out of which the Salaries should issue: To which at present we have only this to say, that in case his Majesty shall be pleased to favour our Petition, we do not despair of finding out such a Fund, as shall not be any great Detriment to his Majesty's Revenue. We shall depute two or three of us to wait on you in a Day or two, for your Answer and further Advice in this Affair. We are, &c

<i>Tho. Exton.</i>	<i>W. Trumball.</i>
<i>Rob. Pepper.</i>	<i>T. Pinfold.</i>
<i>K. Littleton.</i>	<i>Ri. Kaines.</i>
<i>H. Newton.</i>	<i>W. Oldys.</i>
<i>G. Oxenden.</i>	<i>Ch. Hedges.</i>
<i>G. Bramston.</i>	<i>Step. Brice.</i>

*Reasons for the passing of an Act, intituled, An Act for the better settling of Intestates Estates, 22, 23 Car. II. cap. 10.*

**T**HAT nothing is more natural, nothing is more the Care of all Nations in their Laws, than that when a Father dies without disposing of his Estate, his Children that are unprovided for, should have a Share in, and Support from it; and so of the nearest Relations of such as have no Children. In *England*, the Ordinaries, who by Law have Power to commit Administration of Intestates Estates, have always used to distribute the clear Remainder between the deceased's Children, or other nearest Relations, according to the Law in those Cases received in the Ecclesiastical Courts. And so a Man's dying Intestate (while Distribution obtained) became less calamitous to his Relations, the Law in a manner making his Will for him; after the Measures of a prudent and good Man.

THAT great Mischiefs do daily happen, since this ancient Course hath met with Interruption. For Instance, a Man dies without a Will, and leaves ten Children, and an Estate of 10,000 *l.* behind him: If the Eldest, or any one of them, do get Administration by himself, the other nine (if there's no Distribution) will have no Share at all in their Father's Estate, and so want both Breeding and Subsistence. The Common Law Courts never did, nor can give any Relief against the Administrator in such Cases; and if the Ordinary should be hindered to do it, the Children unprovided for are without Remedy; that is, there is a Failure of Justice in a Case the most equitable, the most lamentable that can be imagined.

EVERY Man hath so far an Interest in this Bill, as 'tis possible that his Will may be suppressed, or else that he may die without making any. For in those Cases his Estate must come to an Administrator's Hand, and others, of equal Nearness in Blood and Esteem, may be surprized and excluded: This Bill makes all such Surprizes and Frauds, in getting Letters of Administration, to be fruitless; and so orders the Dis-

Disposal of the Intestate's Estate, as the Law presumes himself would have done, since his Meaning is not otherwise to be known.

*Tis* objected, That the Administrator having Administration once committed to him, the Ordinary is not to intermeddle with, or disturb him in his Administration.

*Ans.* This Position must not pass for Law; since there are several Cases, where the questioning and revoking of an Administration, has always been, and is to this Day allow'd of as good and legal, at Common Law.

2<sup>dly</sup>, By the Statute 31 *Edw.* III. *cap.* 11. which appoints the Ordinary to commit the Administration of the Intestate's Goods to his next and most lawful Friends; (for before that Statute, the Ordinary did and might assume to himself this Administration) it is expressly provided, that such Administrators shall be for the future accountable to the Ordinary; which Words either must signifie nothing, or else must relate to an Account of what the Administrator had done, pursuant to the Trust of dispensing for the dead Man's Soul, which that Statute directs. The Nature of an Account implying, 1. That the Accountant hath no Property in the Matters that he is to account of. 2. That such as have Power to call for an Account, have likewise a Right to allow of, or except against the Particulars.

3<sup>dly</sup>, *Tis* true, the Opinion of dispensing for the dead Man's Soul is now exploded, but that gives not to the Administrator any better or other Title to the Intestate's Estate, than he had at the Time of this Statute; and if the Ordinary might then require a Distribution of all the clear Remainder in Alms or Masses, he may now, with as much Right, and more Reason, adjudge it to be divided equally among such of the deceased's Relations, as happen to be unprovided for; this being a Piety that former Times never excepted against, and is a Piece of indispensable Justice to the deceased and his Relations.

4<sup>thly</sup>, If it be said, that Executors also were obliged by that Statute to account for their Testaments, but that it is not so of late Times; therefore Administrators are likewise to be excused. The Answer is, that Legacies are still sueable before the Ordinary, and when the Question of Assets happens, it is to be determined by an Inventory and Account, (at this Day) given in to the Ordinary: Besides, that in those Times, there was scarce any Will made without one, or more, pious Legacies in it, which the Ordinary was *ex Officio* to see satisfied by the Executor. The Administrator therefore being (as that Statute expresses it) but the Ordinary's Deputy, is *a fortiori* to account for what is intrusted to him; not to be dispended, as formerly for the dead Man's Soul, but to other Uses more undoubtedly pious, *viz.* the Support of the dead Man's nearest Relation, since there is no Law that gives the Administrator any other or more Power and Right, than the Ordinary himself anciently had, to convert the deceased's Estate to his own Benefit.

*Tis* objected, that the Administrator, by Intention of Law, is not to have a Burthen only, but likewise an Advantage.

*Ans.* An Advantage he always has, not only equal to that of others, but also with a Regard to the Charge and Trouble of his Administration; but it will be too great an Advantage for him to have all, and others equally capable and deserving, nothing at all. The Administrator succeeds to the Place and Charge of the Ordinary; (as may appear by comparing the Statute of the 13 *Edw.* I. *cap.* 19. with 31 *Edw.* III. *cap.* 11.) therefore the Law intends he should do as the Ordinary must have done. The Ordinary must have had nothing to himself *eo nomine*; no more must the Administrator, as he is Administrator, (his Charges excepted) but only his Share, as he is related to the Intestate. The Ordinary must have satisfied all the Obligations, and answer'd for all the Wrongs done by the deceased, before he bestow'd one Penny for his Soul. If the Administrator must likewise satisfy all Obligations in the first Place, it is certain that Debts contracted are not the only Obligations, since it is an Obligation of the highest Nature to provide for ones own; nay, a Wrong to pass them by, but upon just and weighty Causes. Therefore when a Man has no Time to declare his Mind, as to the Disposal of his Estate, it is a Wrong so to dispose of it, as no Man in his right Wits can be imagined to design; that is, to give all to one, and to leave several others (it may be more needy and more deserving, as well as of as near a kin) without any Share or Support.

As to the Objection, that if Administrators be compell'd to distribute, he is not safe from Debts that may afterwards appear. If that Plea were good, Executors might likewise use it against paying Legacies. However, this Bill provides, that all Distributions shall be conditional; that is, if Debts do appear, the Portioners to refund *pro rata*.

*Tis* further objected, that the Ordinary may be so byass'd, as to make an unequal Distribution.

*Ans.*

*Ans.* THIS Bill sets down a Rule in all Cases; and the Arbitrary Power, formerly supposed to be in the Ordinary, is quite taken away, he being limited to distribute according to the Directions of this Bill, and no otherwise. And if it be possible for him to swerve from this Rule, the ancient Remedy of Appealing to the Delegates, or other proper Superiour Court, is left entire: And a Commission of Delegates is never without four or five Judges of the Common Law in it, if the Party Appellant do desire it.

BUT then 'tis said, that this Distribution may be made as properly by the Verdict of a Jury, as by the Decree of the Ordinary.

*Ans.* THIS cannot be without making a new Law. Whereas this Bill is no more but an Affirmance of the constant ancient Practice already received, and never interrupted till about the Beginning of K. James's Reign. Besides, the Matter of Fact in these Cases does not lie for a Jury; for the Controversie can be but about the Interest of the Parties, or the Bulk of the Estate: The Interest (that is, the Nearness in Blood to the Deceased) is most commonly confessed; and where it is doubted, there Witnesses do *viva voce* decide it: The Bulk of the Estate is liquidated and adjusted by an Inventory, taken and remaining (as the Statute directs) in the Ordinary's Registry. Which being the Rule in all the Cases of Creditors without a Jury, may be so as well in the Case of Portioners, who have no Pretence till the Creditors be satisfied. Moreover, there is not one Estate in twenty (since they are commonly the mean, illiterate Sort, that neglect, or rather fear to make their Wills) that can bear the Charges of a Trial. Whereas before the Ordinary there need no more but one Action, one Hearing, and one Interlocutory, for Ten Children (or other Portioners) against their Administrator.

*Sir L. Jenkins Account of the Rencontre with the Dutch about Striking.*

ON Thursday, May 17. his Majesty's Yatch the *Cleaveland*, being at Anchor before the *Brill*, overagainst the Banks called the *Brill-Heads*, a Yatch of the States passed about 6 of the Clock in the Evening between us and those Heads, without striking or giving any Guns. I being on Board, (Sir J. Williamson being then on Shore) asked our Captain (*Faisy*) whether that Yatch ought not to have struck to his Majesty's Flag? The Captain declaring it ought, I desired one of the Gentlemen on Board us, Mr. *Nipho*, who spoke the Language, to go in our Captain's Name, and represent to the Dutch Captain (we not knowing who there was on Board him) the Error he had committed, in not paying the Respect which was due to his Majesty's Flag: Captain *Faisy* desiring he might be further told, he would have demanded that Due with a Shot a-thwart his Fore-foot, if it could have been done without Danger to the many People then walking on the Banks at the *Brill-Head*. To this Message the Dutch Captain shrugg'd his Shoulders, and answer'd no more, but that the States Ambassadors bound for *England* were then on Board; and one of the Dutch Ambassadors appearing, called Mr. *Nipho* in, and having asked him his Business, and understood from him the Message and Complaint he had delivered from our Captain to theirs; M. *Van Beuninghen* answer'd, that they, for their Parts, did leave such Things wholly to their Captain, who was an experienced Man, and that they were going in all Hast for *England*, and had, upon Supposal that we were on Board, sent an Officer to complement us in their Names.

THIS passed; we weighed Anchor, and after having Sailed about a League from the *Brill-Head* to Sea-wards, we came up to the States Yatch, being then close aboard a States Man of War, which was at Anchor there, the States Flag being struck out of the Yatch, and hoisted to the Man of War's Top Mast Head. We were then in a Place called the *Pitts*, the *Brill* Steeple opening about 3 or 4 Ships Length to the Southward of the Light-House; and the Captain finding that the Man of War did not strike, asked me, what he should do? I told him what I had heard of old *Van Trump*'s striking to the Earl of *Arundel* in *Goree Road*; as also of Prince *Maurice* his Yatch, that had the other Day struck to the Kitchen Yatch in the Canal of *Delf-Haven*, between the Houses; and the Captain's own Memory suggested to him, that a States Man of War had struck to himself in the very same Place we were then in, as he pass'd up to *Rotterdam*; and therefore that it was my Opinion, he should demand the Respect due to the Flag, in the same Manner that the King's Men of War use and ought to demand it, saying that he should avoid shooting at the Hull or Rigging, the Ambassadors being at that Time on Board.

WHEREUPON the Gunner brought a Shot to bear under the Fore-foot of the Man of War, and after a convenient Space of Time, a second over his Poop, and a third between his Masts. Then appeared their Long Boat; and a Gentleman coming on Board told me, the Ambassadors were much astonish'd to find Bullets Shot from our

Yatch; that they desired to know if it were by my Order, adding, that they were not to strike to our Flag, being within their own Ports. My Answer was, that I was but little capable of giving Orders in Military Cases, that the Captain indeed had acquainted me, that the Respect due to the King's Flag was not paid it, and that he was resolved to demand it; wherein I thought my self bound not to contradict the Captain, and the rather, in that I was assured this Respect had been paid within their Ports long before the War, and even since the present Peace.

As soon as this Gentleman was gone, I dispatched my own Secretary to complain in my Name to the Ambassadors of their Captain, for not answering the Demand which ours had made of the Respect due to the King's Flag; adding, that I hoped it was not by any Direction or Order from their Excellencies. *M. Van Beuninghen* received him with all Protections of Respect to his Majesty, saying, that they disputed not the King's Right; that their Captain had sailed in that River these 30 Years, and had known no such Rencontre, shewing him how their own Land lay on both Sides the River. Before my Secretary was come back, we observed the Man of War had taken down his Flag, and then a Gentleman comes from the Ambassadors on Board us, to tell us, the Ambassadors desired to come on Board of us to speak with us; whereupon we dropp'd Anchor, and stayed for them; and at the same time Sir *J. Williamson* was come on Board too.

*M. Van Beuninghen* did partly excuse, partly justify what had pass'd; he confess'd our late Queen, his Majesty's Mother, had received this Respect in their Ports. We told him the Captain had gone upon other Presidents; but we did not enter into any long Discussion with them. Our Captain gave them Guns when they went off, which were answer'd by their Man of War when they came on Board him.

THIS Embarrass the Ambassadors might have avoided, if they had pleased to drop Anchor, and stayed (as they might have done very well) but some few Cables Length before they came up to us.

### To Mr. Secretary Coventry.

S I R,

I Am much to seek what to answer to the Question you are pleased to put me, in yours of the 19<sup>th</sup>, which is, what his Majesty, his Heirs and Successors, Kings of England, may reasonably pretend to be signified by these Words, *en la pleine & entiere jouissance du droit de pavillon*.

THIS Question, since it regards the Time to come, cannot have a direct Answer; for that all Princes generally govern themselves, as they find the Conjunction of the Times to favour their Attempts: However, thus much I'll take Leave to answer as an English Subject, and as one that is perswaded Law and Reason will be heard at all Times.

1. THAT the King of England for the Time being is Lord of those Seas, where he hath the Right of his Flag acknowledged; and that those Seas are, as much as that watery Element is capable of being so in its Nature, no less a Domain of the Crown, than the Honour of *Greenwich*, or Manor of *Eltham*.

2. THAT as the King in his Domains on Land enjoys all he has by written Law, or else by Custom, so he enjoys what he hath in his *Seigneurie Territoriale* by Sea, partly by Law, and partly by Custom, against his own Subjects; but by Custom principally, which hath a Force no whit inferior to that of a written Law, being duly prescribed and circumstantiated against all Strangers whatsoever.

3. THAT the *Droits Souverains* of the King in his Seas against Strangers, have all the Legal Requisites of a Prescription beyond the Memory of Man, and do not consist in one individual Point; as for instance, in having the Flag struck to, or in having the Liberty of Fishing acknowledged by yearly Sums of Money; but in all the several Rights, Honours, and Perquisites, that the Sovereignty is capable of producing, and have been enjoyed by former Kings of England, with this Difference from all Seigneuries that move from a Mesne Lord, or Lord Paramount, that our Kings hold this, as they do their Crown, from God alone, and by their Sword: To give an Instance; we see what the Republic of *Venice* enjoys by Prescription alone is, that Gulph, viz. in giving or denying safe Conduct, and free Passage to Neighbours and Strangers as they see Cause. 2. In protecting Friends and Subjects from the Violencies of Enemies and Pyrates. 3. In requiring and having Security from Strangers that are suspected, and have Leave to pass, that no Harm shall be done to the *Venetian* Subjects, or other Friends in their Passage. 4. In imposing and levying Taxes from Strangers, in Consideration that they be protected and secured. These and other Things of this Nature, our Kings have formerly had and enjoyed, not as Appendages of

of striking to our Flag, but as Rights and Perquisites of their Sovereignty in our Seas. THIS being premised, may, I hope, be of some Use in preventing you from falling into any *Brouillerie* with the Commissioners; for if they say, the warranting of the Right of the Flag, may insensibly induce a Restraint upon their present Liberty of Fishing, or at least 'twill necessarily suppose, it may be laid upon them, when the King pleases; I hope, it would be a sufficient Answer to say, that one Ensign or Badge of Sovereignty doth not necessarily infer another, so as it may be concluded, that because the one is made out by a full Proof, and a legal Prescription, the other is so too. He that is struck to, is thereby acknowledged to have the *Droits Seigneurieuse* in that District; and he that warrants the striking, warrants no more to the Lord, than that single *Droit*, the Lord being put to his Proof for the Fishery; (for Instance) nor does it follow, that that, or any Thing else, is warranted to him, because he can produce a Warranty for the Flag.

A Lord of a Mannor hath Wardship; it doth not therefore necessarily follow, that he hath Heriots or Felons Goods. A Custom always lies, as Things of Grant do, in Fact, and the Particulars must be made out by Proof; one distinct Custom or Right never inferring another, by the Law of Nations.

I know the *Dutch* will never be rid of their Fears about the Fishery, not only because our Kings have already pretended to it, but also that we have Acts of Parliament, and many Records, as antient as *Richard II.* that impose a Tax on Strangers Fishing Bottoms. They therefore got the *French* to warrant them in their Fishery, by the Treaty of 1662; but as that Warranty gave no Colour to the *Dutch*, to have their not striking to our Flag warranted to them, when they refused to do it (as 1671 they did refuse) so their warranting to us now the Right of the Flag, cannot be imagined to influence in any wise the Title we might pretend of giving Law to their Liberty of Fishing on our Coasts; the one and the other being separate distinct Badges of his Majesty's Sovereignty in his Seas, and depend upon their several Proofs, in Point of Usage and Prescription.

ONE Thing it may be proper for you to mind them of, that they, the *Dutch*, set up this very Right of the Flag, at this Time in the *East Indies*; so do the *French* in *America*, with more Punctuallity than ever any of our Kings have done it in these Seas; put the Case then, we were desired to warrant the *Dutch* in the full and entire Enjoyment of their *Droit de Pavillon* in that Case, we could not, upon the Execution of our Warranty, be brought into any Controversy about Pyrates Vessels, or Ships carrying Succours to their Enemies.

IN a Word, Guarranties are *strictissimi Juris, tantum disponunt quantum loquuntur*, we can challenge no more but what is expressly stipulated; and whatever the States do warrant, 1. They'll not be obliged to more than what the Words of the Warranty do naturally import. 2dly, That if there do arise any Difficulty or Dispute upon the Words, and Extension of their Warranty, it seems to me, under Correction, but reasonable that our *jouissance*, which they undertake for, shall be interpreted with the same Extent that we were in Possession of, when this Warranty was entred into; and the rather, in that there is a Treaty in the Case, that directs them, the *Dutch*, what they are to do; and they cannot be meant to warrant that the *French* should do more than they, the *Dutch*, are bound to do, unless the Stipulation do bear it most expressly. I am, &c.

L. Jenkins.

To Sir Thomas Allen, Admiral of the Blue Flag.

SIR,

Oct. 8. 1670.

I Take the Liberty at this Time to renew the Request I made unto you before, it is, that you'll be pleased to enquire secretly, and as it were by the by, for your own Satisfaction, of the ancient Seamen you may happen to meet with, both in *Trinity-House*, and elsewhere; 1. Whether they were on Board the *Happy Entrance*, a King's Man of War, that carried over *Thomas Earl of Arundel* to the Courts of *Holland*, in the Year 1636, and whether they remember the said Man of War (Sir *G. Carteret* Commander) being got over the Bar, and entred into the Road of *Gorée* in *Holland*, in order to anchor there, *Van Trump's* own Ship, that did ride there, did strike to it. 2. Whether any of them remember the Prince Elector *Palatine's* going over hence into *Holland* in Sir *Henry Mervin's* Ship, in the Summer 1637. Whether any of them took notice, that the Earl of *Northumberland*, being then Admiral and at Sea, attending the Prince, and espying the *Dutch Fleet* at some Distance, dispatch'd a Pinnance towards them, upon the Approach of which, the whole *Dutch Fleet*, one by one, struck Sail. 3. Whether they know or heard of any that commanded, or was in a Pin-



nance, or some small Man of War, when it met with *Opdam* coming from *Lisbon* with 25 Men of War under his Command, and did both require and receive from that Admiral, and his whole Squadron, the Respect due to his Majesty's Flag. 4. How far the *British* Sea, or *British* Ocean, does in common Reputation extend itself; and whether all that which washes the Coasts of the *Low-Countries*, as well as that which runs upon the *French* Coast, has been antiently deem'd, and reputed the *British* Sea? In a Word, tho' the Custom of striking to the *English* Flag has been so ancient, universal, and unquestionable, that it would have seem'd absurd in other Times to have thought the Proof of it requisite, or useful to the Publick; yet since all Men are mortal, and our old Men that now are, will e're long go the Way of their Fathers, his Royal Highness would willingly provide, that Posterity may not want all the Light that may be given them in his Time; I am therefore under a Command, and under a Secrecy too, to enquire into the Strength and Fulness of the Proofs that may, if need be, at this Time be made of those two Points. The one, that our Neighbours, *French* and *Dutch*, never made any Difficulty to strike to the *English* Flag, even upon their own Coasts, as being still upon the *British* Seas, where our Kings have had this Prerogative Time out of Mind. The other is, that a single Ship of ours, if commissioned for War, tho' never so inconsiderable in its Strength, did make whole Squadrons and Fleets of the Neighbour Nations to strike, and particularly the *Spaniards*, near the *Spanish-Netherlands*, and the Subjects of the united Provinces near their Coasts. What does occur to you in Matter of Fact in these Points, will be very welcome to me, and I'll take the best Course I can to transmit it upon Record to Posterity. I do not trouble Sir *Jeremy Smith* with a Repetition of this, because I know you will impart it to him: but I desire it may be with my humble Service. I pray send the poor Relations of your deceased Seamen, that happen to be concerned in proving of Wills, or in taking of Administrations, strait to me, I'll see Justice done them, and that they have the Benefit of the new Act to the full: Be pleased likewise to send me those that have Cause to complain of any unjust Demands, or unnecessary Delays in the Prerogative Court, and, God willing, I'll see them righted to the utmost; for besides the strict Respect I owe to Justice, and the Laws, I have an unfeigned Tendernefs for a poor Seaman and his Relations; there being no sort of People that gain a miserable small Livelihood, with more of Hardship and Danger, than poor Seamen do; nor none that venture their Lives more freely for the Honour and Security of the Crown. I am with all Sincerity,

L. Jenkins;

*To the KING, and the Lords of His Majesty's Privy Council.*

*May it please Your Majesty,*

**I**T is not without the greatest Regret and Diffidence that I offer any Thing of mine to be put in the Ballance against the Reasons of my honoured Colleague, for whose great Judgment and long Experience I have the most profound Deference, tho' it be my Unhappiness to differ in Opinion from him, touching the Release of the two *Italian* Ships, whereof I am now to give an Account, in Obedience to your Majesty's Order in Council, of the 21<sup>st</sup> of this Month.

I have not any Inducements to suspect that these Ships, the *Emperor Constantine* and *Ascension*, are other than free Bottoms, the first belonging to *Venice*, the other to *Genoa*, my Suspicion is upon all the Lading that was taken in at *Cadiz*, and a great Part of that which was taken in at *Malaga*; and 'tis grounded partly upon the Ship Papers, partly upon the Oaths of the two Masters, and partly upon the Company in which these Ships were taken; not to mention *Ostend*, which was the Port pretended for Discharge.

THEY were taken in Company with 4 Ships more, which are already condemned as lawful Prize to your Majesty; I will not say they were in Consortship with them, tho' there was an Instrument to that Effect, found aboard one of those Ships, which was probably the Admiral to this Fleet; 5 whereof (very considerably laden) were bound for *Ostend*; (a Port not used before the War to receive such Consignations) and the 6<sup>th</sup> directly for *Amsterdam*.

BESIDES, the Steersman aboard the *Ascension* was a *Hollander*, who had parted at *Cadiz* with one of the Ships already condemned, whereof himself was Master, by a Sale, which was confessedly scenical and by Way of Color only, to a *Spaniard*; then he takes the Place of Steersman in this *Ascension*, but so, that the Ship he had parted with, remained still in his Eye, and not improbably under his Direction all this Voyage.

THE Papers, tho' they have a Face of Reality, as to the Interest of the principal and original Freighters at *Venice* and *Malaga*, yet there is no Account that doth otherwise than raise Suspicion, either from the Papers, or from the Master and Mariners Oaths, concerning the Silver and Indico put a-board by under-Laders at *Cadiz*, there being no Letter of Advice concerning them, and the Bills of Lading not specifying some Particulars, and being filled up with suspected Names.

AMONG the Papers, some mention and direct the *Ascension* to be reladen with Pipe Staves in *Zealand*, one Paper wherein the Writer is pleased to rail at the *English*, and another subscribed by *J. Rembours*, who directs a Pattern, which this Ship was to bring to *Ostend*, to be sent thence to one of the same Name, a known Trader in *Amsterdam*.

BUT the Masters, in their several Answers, do not speak out; for one of them being ask'd of what Nation one of the Laders, *Ant. Coleman*, was, answers he knows not, yet so much he was concerned to inform himself of, since it is not possible that Persons concerned (such as Masters of Ships are) should, in the Month of *July*, be Strangers to your Majesty's Declaration, whereby the Goods of unfree Persons are declared to infect the Ship. Yet both of them on Oath do say, they knew nothing of the Persons from whom, or the Account upon which, the Goods were put on Board them at *Cadiz*; and the Master of the *Ascension* being asked, whether he was to go any further than *Ostend*, in Case he found not *pratique* enough to relade there, answers, that he knows not; yet his original Lader, who had, it seems, undertaken for his relading, directs he should, in Case of no *pratique* at *Ostend*, lade himself with Pipe Staves in *Zealand*.

'TIS true, the Case is now alter'd from what it was when I refused to consent to the Release of these Ships, for there are publick Attestations come since from *Flanders*, that several of the Consignatories there have made Oath, that the Goods consigned unto them respectively in these Ships do belong to free Persons and no other. But these Attestations concern only the Goods which were laden at *Venice* and *Malaga*, there is nothing at all offered as to the other Goods laden at *Cadiz*, and I cannot impute it either to the Want of Intelligence, or Activity, that the Consignatories of *Ostend* and *Antwerp*, whose Names are used for these Goods, have not appear'd and concern'd themselves, as well as the others, in three whole Months, that those Ships have been under Seizure.

AND here I cannot but note, that these Claimers have all this while very industriously declined a judicial Tryal. My Lords the Commissioners for Prizes, upon the Report which I had the Honour to make to their Lordships, having not thought fit to discharge them, but to remand them to the further Excussion of the Admiralty.

YET I must confess, all I have offer'd amounts to no more than Matter of Presumption against these Ships, here are no Proofs in the Case. But here I must crave leave to observe to your Majesty, which I humbly conceive to be undeniable, the one in Point of Law, that where Proofs are difficult, such Presumptions as are just and weighty shall so affect the Party presumed against, that they shall be reputed Proofs against him, until he do take them off, and evince the contrary by legal and concluding Proofs. The other is in Point of Fact, that where coloring is, 'tis impossible there should be any Thing but Presumptions on your Majesty's Behalf; for as 'tis certain, the *Dutch* do still carry on a main Trade under these Disguises, so 'tis not to be expected, that they should lay their Scenes with such Colors, as shall at first View betray their Design. And as it is on the one Side, a high Disservice to your Majesty, and to the Justice and Reputation of your Majesty's Arms, that any Negotiants, who are free and innocent, should be worried with groundless Vexations and Delays, so it seems most just and suitable to your Majesty's undoubted Right of Dominion and Protection in these Seas, that those who pass them towards Ports, so much and so justly suspected as *Ostend*, should give a satisfactory Account, which they, who are in *bonâ fide*, are seldom unprovided to give, that they do not carry on the Trade of those, who are in Hostility against your Majesty. All which I most humbly submit to your Royal Wisdom.

L. Jenkins,

To Sir Joseph Williamson

SIR,

May 8. 1672.

IT was my Unhappiness, that neither my most honoured Lord the Earl of *Arlington*, to whom I owe almost all I am in the King's Service, nor my Lord *Clifford*, whose Condescensions to me are infinitely great upon all Occasions, were present at yesterday's



day's Debate: Not that I pretend my Opinion should be in the least heard or considered, where the Question is, which Way his Majesty may be best served. But that there are some Consequences that deserve to be attended to in this Case, I mean the Danger of After- reckonings and Reprisals from our Neighbours; and the introducing of a new Law of War, not so honourable for us to endure from others, when his Majesty shall be in Peace, and his Neighbours at War.

GIVE me Leave therefore, I pray SIR, to suppose the Claims of the King's Subjects and Friends not admitted, but all Plea precluded them in the Admiralty; in this Case they cannot be denied the Liberty of Appealing, *first* to my Lords the Commissioners, then (if not relieved) to the King. They will insist, that by Course of Admiralty they were never called to shew Cause, why their Goods should not be judg'd Prize, and being come, they were refused a Hearing. It will be urged, that it is against the Law of all Courts, and the Rights of all Nations, not to hear the Party in Judgment before Sentence pass against them. A Court may overrule a Plea, but cannot refuse to hear it, come in Time; so that what their Lordships shall be necessitated to determine upon this Point, if it come before them, is so much the more to be considered, in that to refuse this Benefit of Law to Strangers, is by all Men taken to be just and sufficient Cause of Reprisals against the Refusers.

I will further suppose Mens Goods to be condemned on the single Point of Freight- ing, without Regard to the Flag; (for where the Flag is refused, there is an express Law that makes it equally fatal to all) in this Case the Claimers must be heard again upon their Appeal; where they will be sure to say several Things, that, I must confess, I know not how to answer: As,

THAT no Hostility acted by the *Dutch*, (supposing them the Aggressors) shall involve a Stranger, not Party to it, before a War declared; for tho' the *Dutch*, by their Injuries and Hostilities, may have made it lawful for us to treat them as Enemies, before any formal Denunciation of War; yet we cannot treat others, that are not Parties to the Hostility, nor under their Obedience, as our Enemies upon their Score, until we give them Warning of the Danger by Publication of War.

THAT our Friends on Board the *Dutch* could not be made Prisoners of War, nor put to Ransom, can't be denied; there is the same Reason their Goods should be free, since they could not foresee this Rencounter, and were passive in it.

THAT the *Dutch* (tho' Enemies) are enabled by the Declaration to make their Retreat even after the War begun, and have 4 or 5 Months still to withdraw their Effects from hence; it were hard to put the good Subject, or the Friend, into a worse Condition than our Enemies, by a Law made, or a Judgment given after the Rencounter.

IF his Majesty were in Peace, and found any of his own Subjects in these Circumstances, fallen into the Hands of any of his Neighbours, beginning a War against some, he would no doubt extend his Royal Protection to them. These and many more Arguments would be made Use of to reverse such a Sentence if I should give it. In a Word, SIR, could I find upon my own Search, or the King's Council shew me any Law or Precedent for this Case of Subjects and Friends, I should with as little Difficulty as any Man, since it is their Lordships Pleasure, proceed to that Sentence. However, I shall not only with perfect Submission, but with unfeigned Satisfaction, be ready to lay down my Charge at his Majesty's Feet, if his Majesty pleases to believe, or my Lords his Commissioners to determine, that my so doing will be better for his Majesty's present Service.

*L. Jenkins.*

Aug. 8. 1672. Whitehall.

*By the Right Honourable his Majesty's Principal Commissioners of Prizes.*

WHEREAS several Differences have arisen, (and may hereafter arise) concerning divers Ships and Goods taken as Prize, and seized in Port or elsewhere, whether they do belong to his Majesty, or his Royal Highness, as Lord High Admiral, and that some of them are yet undetermined, We do therefore desire you Sir *L. Jenkins*, Knt. Judge of the High Court of Admiralty, leaving it wholly to your Power from time to time to hear and examine the Cases, as well of the Ships and Goods aforesaid, and of all other Ships Cargoes and Goods now depending between his Majesty and his Royal Highness, as of all Ships and Goods of that Nature wherein any Difference may arise, and that may hereafter come into Question; and therein

to give final Sentence, and to determine the Right and Interest in them according to Law, saving to either Party their just Right and Liberty of Appeal.

Rupert.

'Arlington. H. Coventry.'  
J. Williamson.

To Sir L. Jenkins, Knt. Judge of the  
High Court of Admiralty.

To Mr. Pepis, Secretary of the Lords Commissioners of the Admiralty.

SIR,

THE Character you give of Dr. Briggs is a very true one, and nothing more than he really deserves; yet in Regard of his being a Clergyman in the Order of Priesthood, and a beneficed Man, I cannot say but that is an Objection to his being a Judge in a Vice Admiralty; not that I am of Opinion in the least, that his Holy Orders do unqualifie him, if he be called to such a Temporal Business, but that in this Case it will be his Duty and his Place, if a Commission of Oyer and Terminer should come to be executed in his Vice Admiralty, to give the Rule of Court, and to pronounce even in capital Cases, and Cases of Blood, which a Clergyman, I think, ought not to do as the Law now stands; 'tis true, any one in the same Commission may give the Rule, but it is incumbent on him (as Judge) to do it. I must confess, I did deliver my Opinion to this Effect, in the Case of my worthy Friend Sir Jon. Tre-lawney for the same Reason; but the late Commissioners of the Admiralty nevertheless thought fit to make him Vice Admiral in his Father's Room; and it is under Correction, and in perfect Submission, that I now mention this Scruple of mine.

L. Jenkins.

To Mr. Pepis, Secretary to the Lords of the Admiralty.

SIR,

Nimeguen 1676.

I Take Leave, even at this Distance, to beg your Favour, and by that Means the Protection of my most honoured Lords the Commissioners of the Admiralty, to the Register and Marshal of the Admiralty Court: They, as well as my self, have been very much out of Purse, in Expences necessarily and unavoidably incurr'd in the Sessions held for criminal Matters. When Offenders are taken in hold, they must be kept, to prevent a Failure of Justice. The Judges and Commissioners that attend, (and they are seldom less than 40 in Commission) are always detain'd one whole Day, and sometimes two, and expect to be entertained as in former Times, at the Charges of the Admiral. It is true, the Judge of the Admiralty hath usually bore one half, the Register and Marshal the other half of that Expence. This they might do formerly much more easily than now they can; for then they had *Droits* and Perquisites in the River *Thames*, which were very considerable, and their Places, before Prohibitions took away so many Causes from the Admiralty, were worth treble of what they now are: I speak to Times of Peace only: What Pretence of Salaries or Gratuities the Register and Marshal formerly had, if any, I am not so well able to say: But sure I am, the Judge had both a Salary of 100*l.* a Year out of his Majesty's Exchequer, as will appear by the State of the yearly Expences of the Crown, to have been paid till the latter End of K. James's Reign, and had constant yearly Gratuities, sometimes 200*l.* sometimes 300*l.* a Year, or more, that the Admiral for the Time being assigned them out of the Revenues of his Office. I speak not only of ancient Times, but it was so in the Time of the Earl of Nottingham. It is true, these Gratuities in his late Majesty's Reign fell into another Channel, and I could easily shew how, if need were. I do not in the least plead for my self, and if my own Profits were even less than they are, I should be content; but as it is extremely necessary those criminal Courts should be kept up, so I fear it will be absolutely impossible to do it, unless the Charges be born some other Way than by the Officers; who, as they have no Salaries, so the Perquisites of their Places will not half maintain Men of Capacity for those Employments. I have, I think, sometime told you, Sir, the present Value of my Place: I am ashamed to put it in Writing: The Register's and Marshal's are in proportion. I do the rather beg your Favour for the present Officers, for that in good Truth they do deserve as well in their respective Stations, as any of their Predecessors that I remember either upon my own Knowledge, or from what is left behind of them in our Registries. I am, ashamed, Sir, to give you this Trouble, which yet I do not give so much in their Favour, as in the

Behalf

Behalf of those criminal Sessions ; which, if I understand them rightly, are of great Concern and Support to the old *English* Discipline at Sea, and consequently to the Good of our Navigation and Commerce.

*L. Jenkins.*

*To the Duke of York.*

*May it please your Royal Highness,*

I Cannot see any Reason to suspect, but that the King's Majesty being descended in a direct Male Line from *Henry Lord Darnely*, Father of *K. James* of Blessed Memory, and from the Lord *John Stuart*, the first Lord of *Aubigny* of that Name, succeeds in Remainder (as we term it here) to my Lord Duke of *Richmond* in the *Seignury of Aubigny*, by the Grant made of it, being not to return to the Crown of *France*, but in Default of Heirs Males of the said *John Stuart* in direct Line, is undeniable, not only by the Grant of *Charles VII.* bearing Date the 26<sup>th</sup> of *March 1422.* but by Confirmation also of *Hen. II.* who having seized this Seignury into his own Hands, as Part of his Royal Domain, afterwards, upon the Sight of *John* (then) Lord of *Aubigny's* Title, took off his Hands by a special Arrest (or *Main-levée*) of the 25<sup>th</sup> of *May 1560.* But how his Majesty can condescend to lay Claim to this little Succession, I must confess I am not able to say ; since the present Law and Usage of *France* require, that the Tenant to the King be a Subject born, or else naturalized there ; and that this Seignury is held *par foy* and Homage from that Sovereign.

If his Majesty shall think fit to give Way to your Royal Highness, to set up this Title in your own Right ; (which will be clear as to Point of Descent) I am afraid your Royal Highness will yet have a great Difficulty to remove the Objection that may be made, of your being incapable to inherit or succeed in this Seignury, since you were not actually naturalized at the Time of my Lord Duke of *Richmond's* Decease. For I take the Law there to be unquestionable, that a Stranger who is naturalized, as my Lord Duke was, dying without Heirs of his Body born in *France*, after the Time of his Naturalization, and also without Kindred enabled by their Birth there, or else by their Naturalization, to succeed him, his Estate must *Escheat par des herence* to the Crown, or Lord of whom it is holden.

In this Case your Royal Highness seems to have but one Plea in Law, (what the present Juncture of Affairs may afford besides, is not my Business to say) it is, your having been received into, and executed the Charge of *Captain de la Garde Ecossaise du Roy* ; for to all the Officers and Archers of that Guard, *Hen. II.* gave the Privilege to acquire, *tous biens tant meubles qu'immeubles, les tenir & posséder avec ceux qu'ils avoient déjà acquis, & qui leur pourroient eschevir competer & appartenir, soit par succession, donation, autrement 1547.*

THE Natives of *Scotland*, after that *Francis II.* had married the Queen, your Royal Highness's great Grandmother, were declared to be capable of all Successions as Natives ; but when these Letters of *Hen. II.* came to be verified in Parliament, they were restrained, curtailed, and with Limitation made Temporary, and conditional, *viz.* as long as *Scotland* should remain in Obedience to that King ; and on Condition the *Frenchmen* should inherit and succeed in the same Manner in *Scotland* ; besides that, the Declarations themselves do presuppose none of our King's Dominions capable of these Privileges, but such as are actually Natives of the Kingdom of *Scotland*.

HOWEVER, your Royal Highness may please to desire his Majesty, (if he think fit) to direct his Ambassadors now in *France*, 1<sup>st</sup>, To take Order that a *Caveat* be enter'd forthwith in the *Chambre des Comptes*, and that Opposition be made against any Person that shall, as Grantee to the Most Christian King, desire to have the Seignury of *Aubigny* enter'd there, as an *Escheat* fallen to the King *par des herence, ou droit d'Aubainet*. 2. To take Order, that the usual Oppositions, in Cases of *Escheats* pretended, be made in the Province of *Berry*, where *Aubigny* lies, against all Seizures, which either the *Procurateur du Roy*, or the Officers of the Prince of *Condé*, shall attempt to make ; and that the *Concierge* of *Aubigny*, now as I take it of the Lady Dutchess of *Richmond*, be dispatched thither forthwith, to keep Possession for your Royal Highness. 3. To endeavour with all the Vigour possible to issue out Letters, not of Naturalization, but of Declaration, (which is a usual Form there) wherein there shall be a retrospect to your Royal Highness being accepted and reputed in the Years 53, 54, and 1655, as naturalized to all Effects and Intents of Law, in your then personal exercising of the Charge aforesaid ; and that notwithstanding your Royal Highness's Discontinuance and Absence for some Years out of that Kingdom, yet that you are to be reputed still, and declared to enjoy all the Privileges of a Captain so exercising the said Charge ; and of a *Regnicola*, as well in order to inherit and succeed in Lands

Lands and Possessions, as to enjoy the usual Privileges and Immunities of that Place. All which is humbly submitted to your Princely Wisdom.

*L. Jenkins.*

*To the Right Honourable the Lords Commissioners of the Admiralty.*

*May it please your Lordships,*

**A**S I was inserting your Lordships Names, as Lords Commissioners of the Admiralty, into the ordinary Form of a Commission of Oyer and Terminer, which I had prepared to present to my Lord Keeper, in order to the Trial of the Pyrates now in hold; there occur'd to me a Doubt of that Importance, as to need your Lordships Resolution and Directions in it, before I proceed any further.

THE Case, MY LORDS, is thus; Our Commissioners of Oyer and Terminer for Admiralty Causes are, by the Words of the Statute 28 Hen. VIII. c. 15. to be directed to the Admiral or Vice Admirals, or to his or their Lieutenants, Deputy and Deputies; and to 3 or 4 such other substantial Persons, as shall be named or appointed by the Lord Chancellor for the Time being.

HIS Majesty, in his Commission to your Lordships, doth declare, that the Office of High Admiral is now, by his Royal Highness's Surrender, become void, and that he hath determined not to bestow or confer it upon any other Person for the present, but to have the same exercised and executed by your Lordships, as his Commissioners; and therefore his Majesty, by his Commission, gives and grants unto your Lordships full Power and Authority to do, exercise, execute, and perform, all and every the Powers, Authorities, Jurisdictions, Acts, Matters, and Things, which to the Office of a Lord High Admiral doth appertain. Hence, MY LORDS, my Doubt arises, whether the Letter of this Statute may be so far varied from, (the Office of Admiral being now void, and consequently the Patent of his Lieutenants and Deputies out of Doors) as that a Commission of Oyer, that shall be good and valid, may be directed to your Lordships, instead of a Lord High Admiral; or whether there be a Necessity of a Lord Admiral *pro hac vice*, to the End Proceedings may be had upon such a Commission. For this being a Statute which introduces a new Law, and directs a new *Modus procedendi*, with these two weighty Circumstances; 1. That it is a Law in penal Cases, even extending to Life it self. 2. Here is an express Designation and Choice of a great Officer, before whom these Proceedings are to be had; so that I know not whether the Strictness of the Letter may be thus varied from in a Point of this Moment.

I have the greater Reason to doubt, in that upon this very Statute, a Question (much nicer to my seeming than this) was moved before all the Judges at *Serjeants-Inn*, 4 Eliz. viz. whether a Commission issued out and executed about that Time, upon this Statute, for Trial of Pyrates, was sufficient in Law, because the 4 Persons named and joined with the Admiral in that Commission, had been named by the Lord Keeper; whereas the Statute directs they should be named by the Lord Chancellor for the Time being. 'Tis true, that Doubt was the next Year after cleared, and the Law declared by 5 Eliz. c. 18. An Act of Parliament touching the Lord Keeper's Power. But the Judges were upon this very Question divided; those who thought the Commission not to be good, yielding for Reason, that the Act being penal, was to be taken strictly; and those that thought it good enough, concluding it was so, because the Act of the Lord Keeper, in issuing out this Commission, and naming those 4 Persons, was merely ministerial, and not judicial; which Exposition seems to limit us more closely to the Words in the present Case. For tho' I cannot find that any Lord Admiral did ever in Person preside in the Judicial Execution of any of these Commissions, yet to what County or Place soever this Commission hath happened to be limited, the Precepts of *Venire Facias*, to the Sheriff or Officers, as also the Warrants for proclaiming the Sessions, for bringing the Prisoners to their Trials, for executing such as had Sentence of Death against them, were in the Admiral's Name, and under his Seal of Office issued out of this Court.

IT is an Observation on the Statute of forcible Entries, that Justices of Oyer and Last Delivery, cannot do those Things that Justices of Peace are there appointed to do; and yet the Words of the Statute are not negative or exclusive. But the Practice on the Stat. 31 E. 3. c. 12. for bringing Errors into the Exchequer, to be examined before the Lord Chancellor, and Lord Treasurer, is that which heightens my Doubt; for that two Acts of Parliament, viz. 31 Eliz. c. 1. and 16 Car. II. c. 2. had made it sufficiently evident, that the Presence of those

two great Officers was still necessary in the manner first limited, and that their Absence was not to be supplied or dispensed with but by Act of Parliament. There was a 3<sup>d</sup> Act of the 20<sup>th</sup> of his present Majesty, that fully implies, that the Lords Commissioners of the Treasury then being, could not give Judgment in Writs of Error, as a Lord Treasurer might have done; and therefore the Act provides, that in the Vacancy of a Lord Treasurer, Judgment may be given in the Presence of the Lord Keeper, in the Manner accustomed; how far parallel that Case is with this of your Lordships, I humbly submit to your Lordships better Judgment.

THUS much being said upon the Word Admiral, I know not whether your Lordships will think it worth while to make any Reflexion upon the Disjunctive *or*, to his or their Lieutenant, Deputy or Deputies, for these Words seem to be merely relative to the Being of an Admiral. By the Word Lieutenant, has been always understood the Judge of the Admiralty, the Admiral constituting him his *locum tenen. General.* by Patent; by Deputies, are meant the Vice Admirals of the several Districts. The Judges of the Admiralty have held their Places most commonly by Patent from the Lord High Admiral, but we have several Precedents both before and since this Statute, of Commissions immediately from the King to constitute a Judge of the Admiralty, and this is my Case at present; for having had the Honour first to serve this Post by Patent from his Royal Highness, his Majesty was most graciously pleased, upon his Royal Highness's Surrender, to think upon his Servant, and to give Orders for a Commission for me (tho' I was absent) to hold this Place from himself. In which Commission are these Words; *Teq; Leolinum Jenkins locum-tenentem nostrum in dicta Curia Admiralitatis Anglia, & officialem principalem Commissariumq; generalem & specialem, ac Antedicta Suprema Curia Admiralitatis Anglia presidentem & Judicem, ordinamus, facimus, &c.* Which Words (in Regard of the Word *Locum-tenens* among them) I have taken Leave here to insert, that the whole Case (as far as I understand it) may lie before your Lordships, in order to have such a mature Reflexion upon it, as the Consequence of the Thing seems to require. I am, &c.

L. Jenkins.

To the Right Honourable the Lords Commissioners of Prizes and Appeals.

May it please your Lordships,

Nov. 13. 1677.

AS soon as I had the Honour to receive your Lordships Letter of Reference, touching the Negroes taken and claimed by Captain *Gallop* of *Jamaica*, I directed the King's Proctor to propound his Allegations, if he had any, whereby to prove and evince, that the Negroes pretended to by Captain *Gallop*, ought not to be adjudged to himself as Pillage, by virtue of the 7<sup>th</sup> Article of an Act of Parliament, made in the 13<sup>th</sup> Year of the King, c. 9. It is true, C. *Gallop* was not at that Time, nor at any Time since, a Party in Judgment before me; however, in Regard he had put in such a Claim by Petition to his Majesty, and that your Lordships had thought fit to refer the Examination of his Pretensions to me, I thought this Course of Proceeding to be clearest and most indifferent; but the King's Proctor having not had, as it seems, any Informations in this Case, alledged nothing (I mean concludent or resolvent in the Point in Question) besides what must be acknowledged on C. *Gallop*'s Part: So that I have no more to offer to your Lordships, than these my Reflexions upon the whole Matter.

1. THIS Ship with Negroes, called the *Susan* of *Amsterdam*, belonged to Merchants there, and was taken by C. *Gallop*, Commander of his Majesty's hired Ship the *Thomas* and *Frances*, and one C. *Odway*, being in Consortship with him, in a private Man of War called the *Flying Horse*.

2. THIS Ship *Susan*, and her Lading, was wholly of *Dutch* Property, and fought against *Gallop* and *Odway* before the War was ended, consequently was a lawful Prize.

3. If it should be pretended to be a *Dutch* private Man of War, I humbly conceive it is not well founded; for tho' it had a Commission of War from the Prince of *Orange*, yet the Depositions speak her to be a Merchant Ship, and upon a Trading Voyage when she was taken, she having set out from *Hamburgh* with a Lading of Brandy, &c. and having barter'd it upon the Coast of *Africa*, brought her Negroes to the Coast of *Curacao*, where she was taken.

4. ACCORDING to the Articles of Consortship, transmitted to me from your Lordships, between *Gallop* and *Odway*, the one half of the Negroes seems to belong, and is (if I mistake not) already adjudged by the Governour of *Jamaica* to the King's Account: *Odway* and his Setters out are contented with one fourth of them, and to have

have the other fourth assigned to certain publick Uses of the Island, *viz.* gratifying of Officers, paying the wounded and hired Men, and repairing the Forts.

5. THE Number of Negroes being 544, and 54; of them being to be deducted for the Lord Admiral's tenths upon the whole, Captain *Odway* hath 122; to his Share, the publick Uses of the Island 122; likewise Captain *Gallop's* Ship hath 244; to the King's Share, which is one full Moiety, the tenths aforesaid deducted.

I have nothing before me, MY LORDS, what Goods or Merchandises there were in this Ship besides, nor any Means to inform myself of the true Value of the King's Allotment, which is one Thing given me in Charge by your Lordships Letter.

NOR doth it appear, upon what Terms Captain *Gallop* is in this Service; only the Ship, whereof he is Commander, is agreed, in the Articles of Consortship, to be the King's hired Ship, and by the Claim he makes of these 244; Negroes to himself and Company as Pillage, he seems to be in the King's Pay; without which, his Claim by Act of Parliament would not lie. The Words of the Article in that Act are these.

"It shall be lawful for all Captains, Seamen, Soldiers, and others, serving as aforesaid, to take, and have to themselves as Pillage, without Account to be given for the same, all such Goods and Merchandises (other than Arms, Ammunition, Tackle, Furniture, and Stores of such Ships) as shall be found by them, or any of them, in any Ship they shall take in Fight or Prize, upon, or above the Gun-Deck of the said Ship, and not otherwise.

UPON these Words, it will not, as I humbly conceive, be controverted, but that Negroes are to be reputed Goods or Merchandises in this Ship, as they are (generally speaking) a Part of the Commerce in those Parts. How many of them were upon, or above the Gun-Deck; and how many in the Hold, does not appear in Proof before me. Nor doth it appear, whether this Ship was not of a Built peculiar for the Transport of Negroes. But supposing, first, that the Ship is of the ordinary Built of other Merchant Ships, and not of a peculiar Fabrick for the Transport of Negroes.

2. That these Negroes had no other Place or Stowage, but upon, or above the Gun-Deck, and that they were actually above the Gun-Deck, at the boarding and seizing the Ship; I am of Opinion, with Submission to better Judgments, that Captain *Gallop* and his Company are, and ought, to have the King's Quota of the Negroes, (according to the Letter of the Article) as their Pillage, notwithstanding that those Negroes should prove to be of considerable Value; and that there are no Goods or Merchandises in the Hold, that should come to the King's Share. For, first,

THE Grant or Privilege of the Captain and his Company, contained in this Article, being as it is by Act of Parliament, his Majesty must not be supposed to have been surprized in it, and consequently there will be no Pretence to restrain or curtail it, as over liberal. It is rather to be extended and interpreted favourably; for all Laws do much favour Soldiers in the Rights and Privileges that are consequent to the doing of their Duty; and it is peculiar to this Case, that this being an Encouragement proposed to those that serve the King, it is intended not only as a Reward to their Industry, but also as a Compensation for their extraordinary Hazards.

2. HERE are in this Clause two Exceptions, which do abundantly strengthen the Rule, in a Case (as this is) not excepted. First, 'Tis said the Takers shall not have any Arms or Stores belonging to the Prize, tho' they should be found upon, or above the Gun-Deck; and 'tis further said, 2. That they shall not have any Goods that are found otherwise (*i. e.* as I humbly conceive, elsewhere) than upon, or above the Gun-Deck; therefore the Inference is more strong, that they ought to have every Thing else, that comes not under either of these two Exceptions, and yet come under the Notion of Goods and Merchandise, as these Negroes do.

3. HAD this Prize been never so rich in the Hold, and had the Pillage upon, or above the Gun-Deck, been never so poor, the Takers must nevertheless have adventured their Lives and their Limbs (as they did) in the Conflict, and yet they would have had no Pretence from the rich Value of the Prize, for a Compensation of their Hazards and personal Sufferings.

IF so, I cannot conceive, that a lucky Hit for them, as this is suggested to be, (whether it be true in Fact or no, does not yet appear by any Proofs) upon, or above the Gun-Deck, does alter their Case, any more than if they had taken twice the Value of the Negroes in Gold, in the Captain's Cabin, without that the Ship had any other Goods or Merchandises in the Hold; which Case I humbly conceive to be clearly in their Favour, and within the Intendment of this Act. All which I submit, &c.

*L. Jenkins.*

## To Sir Thomas Exton.

SIR,

Nimeguen, July 2. 1675.

I Have yours to acknowledge of the 22<sup>d</sup> of last Month, and am sorry that so great a Trouble, as a Sessions in the Admiralty will bring along with it, is like to fall to your Share, there is nothing I can say, but you are fully as much Master of already as myself; however, since you require I should say something, I think myself obliged to do it.

IN the Charge you are to give the Jury, you will, I doubt not, direct them to enquire into two Things. 1. The Affront given in not striking. 2. The Mayhem.

FOR the first, I think if you keep yourself to the Words in the Preface of the Indictment to the *Spanish* Captain at the *Old Baily*, you will do that which is safest; for tho' much may be said plausibly, upon the Subject of striking; yet that Indictment, as nothing has been hitherto said against it, that I know of; so all the Words in it were very maturely weighed by my Lord Chancellor, and my Lords the Judges, who met for that Purpose, and also by his Majesty with the Lords of the Admiralty.

I hint this, that altho' the Ordinance of King *John* be an ancient Record, yet the Usage of striking is so universally notorious to all Nations, and hath been so constant and uniform Time out of Mind, that to bring other Proofs, is to light a Candle to the Sun; besides, the Words of that Ordinance being accommodated to those Times, may afford a Matter of Cavil in this Age.

YOU should meddle as little with the *French* Ordinances of the Years 1555, 1584; (whereby a Ship that refuses to strike to *French* Men of War may be fallen upon and made Prize) for besides, that those Ordinances require striking in all Seas indefinitely, (which is not our Pretence here) the Parliament of those Times have refused to verify them; nay, there is a solemn Judgment of Parliament against them, in the Case of a *Hamburg* Merchant Man, that had refused to strike to a *French* Man of War. This you know Mr. *Selden* takes notice of, and is to be found more at large in the *Playdoyez* of Mr. *Servin*. Yet something may be touch'd, not improperly, upon the Orders that the Captain of our Men of War have, to require this Respect to the King's Colours; and that an Article of that Effect hath been of ancient Times constantly inserted, in the Instructions of all our Commanders of Men of War.

FOR I suppose, you will not only give them in Charge to enquire, what Foreigners have refused to strike, but also what Captains of ours, have neglected or omitted to demand that Respect; it being made Part of their Duty by express Instructions. Here it will not be improper to add two Articles more; the 1<sup>st</sup>, To enquire what Merchant Men, or other Ships, belonging to the King's Subjects, have presumed to approach any of the King's Men of War, without striking at their due Distance; this used to be heretofore very severely fined, and I am afraid there is Cause to make this Enquiry still. The other is, that you give them in Charge, to enquire of Merchant Men, that presume to wear Colours approaching the King's, or but a little disguised from them: This you'll find in a Proclamation that came out about three Years ago; which Points, I say, will be proper to enforce upon our fellow Subjects, at the same Time we punish Strangers for the Want of Awe and Respect.

As to the Punishment, which was that of a Fine and Imprisonment in our Sessions at the *Old Baily*, it is my humble Opinion you should keep very close to that Precedent. As for the Confiscation of the Ship and Goods, which you say, some of my Lords of the Council think a Severity very proper at this Time; I do not know of any Means to come at it, in the Sessions of the Admiralty; but must humbly leave it to my Lords the Judges at Common Law. For tho' the Ordinance of King *John* for *England*, and those I just now mentioned for *France*, do make Confiscation of Ship and Goods, to be Part of the Punishment, yet there is no Way of doing it, as I conceive, but in the Civil Court of the Admiralty, by Way of Libel, demanding Judgment and Confiscation upon the Ships, wherein and whereby such Insolencies have been committed. The Course would be the same in any other Case; for Instance, in carrying prohibited Goods, such as would confiscate the Ship, where the Judgment remains in the Admiralty, as some you know do to this Day, tho' such Judgments, in many Cases, have been of late transferr'd to other Courts by Act of Parliament. The Reason why no Proceedings were had to confiscate the *Spanish* Captain's Ship was, that the Judgment of the Civil Court of Admiralty, if it could have been upon the Libel and Proofs to the confiscating of the Ship, as a Perquisite to his Majesty in Right of Admiralty, such a Judgment the *Spaniard* might have appealed from, (and as it was then feared) got reversed by Judges Delegates, and then that would have been some Reflexion upon the Verdict in the *Old Baily*.

Besides



Besides that, his Majesty was graciously inclined to shew his Clemency and Mercy towards that Privateer.

If this Course of Confiscating should now be ventured on, you know a Libel must be put in; the Records of the Session must be given *in subsidium probationis*, the Identity of the Ships, as also of the Persons, both acting and suffering, must be fully made out; and then the Sentence, tho' it should be for the King, must, as in all other Civil Cases, take its Fate; for the Appeal cannot be stopp'd, if the Party that thinks himself aggrieved is so disposed.

THAT it can be no otherwise here is the more evident, for that, as I take it, it is thus in a Matter at Common Law; for tho' a Jury do find that such a Man, convicted of Treason or Felony, had Goods or Chattels, Lands or Tenements, at the Time of the Treason or Felony committed, yet the King is put to his Remedy in his other Courts of Common Law, for the Recovery of such Goods or Lands, in case they be disputed with him.

FOR the Mayhem, that the Admiral hath Cognisance of it, if committed upon the High Seas, is so much the more undoubted, as that the Stat. of 15 Ric. II. doth not take it away from him, when the Mayhem is committed in the main Streams of great Rivers. Therefore you may give it in Charge to the Jury, to enquire of all Mayhems committed within the Jurisdiction of the Admiralty. If they find the Fact, it is my humble Opinion, that as to the Form of the Indictment, the Verdict, and whole Manner of Proceedings, it ought to be the very same as if the Indictment were preferr'd at the *King's-Bench*, for a Mayhem committed within the Body of the County of *Middlesex*; but I doubt not, but some of my Lords the Judges will be assisting upon so important an Occasion. I believe Mr. Bedford, the Deputy Register, has some Notes of what I delivered at a former Session, for I do not find them among my Papers here. If they will be of any Service to you, you may command them, for the sparing you the Trouble in gathering together the many Heads that are to be given in Charge at an Admiralty Sessions. For I use to run over the most of them, because I would have the Jury and Assistants (Sea-faring Men especially) a little acquainted with those Things which are within the Jurisdiction of the Admiralty; and I always thought those criminal Sessions (if I rightly understand them) were of great Concern and Support to the old *English* Discipline at Sea, and to the Good of Navigation and Commerce in general: But that need not be any Rule to you, nor to hinder you to limit your self to the Matter that shall be afforded you from your Kalendar. I am, &c.

L. Jenkins.

To Sam. Pepis, Esq; Secretary to the Lords Commissioners of the Admiralty.

SIR,

Nimeguen, Aug. 2. 1677.

I Have not Words to express the deep Sense I have, of that infinite Princely Goodness wherewith his Royal Highness descends so low as to take Notice of me, even at this Distance, and to be willing to hear what I may have to say, in a Concern of the Court of Admiralty, where I have the Honour to serve. What I shall desire to lay (by your Favour) at his Royal Highness's Feet, shall be with a perfect Regard to the Faithfulness and Duty I owe him in those Things he is pleased to command me in, without any End or Interest of my own.

THE Case it seems is this: There is a Gentleman, who is Suitor to his Majesty for the Reversion of Mr. Gee's Place (who is Register of the Court of Admiralty); I must suppose, that if this Gentleman obtain the Place, and live to enjoy it, he intends to execute it not by himself, but by a Deputy; and it is my humble Opinion, that it is absolutely for his Majesty's Service, that this Place be given to no other Person but to such as is capable of executing it himself.

My chief Reason is, that the Perquisites of the Place, (*communibus annis*) and in Times of Peace, are not more than what is requisite to maintain a Person of that Ability and Garb the Place requires. The true Value of the Place will be soon known from Mr. Gee and others. What Maintenance is fitting for the Support of an ingenious Man in it, will be best judged of by the Competences that pass for such in other liberal Professions; only it is to be observed, that a meer Routine and common Experience, will not do the Business of a Register of the Admiralty, as it doth in other Posts not unlike it. A Man must in this Place have a Stock of Civil Law, and endeavour to increase it, by searching into the Style and Practice of Maritime Courts beyond the Seas (which alters and varies considerably in a few Years); and he must be skilled in the Neighbour Languages, *French* and *Dutch* at least; (other-



(otherwise he must make Use of a Deputy, in taking the Depositions of Foreigners, which hath many great Inconveniencies in it) these Mr. *Bedford* hath perfectly, having sojourned Abroad a considerable Time in Foreign Parts, in order to acquire them. Besides, he that executes this Place, should be maintained by it, for the due Execution of it requires the whole Man; he that is forced to divide himself between that and another Post, will do wrong to one of them, and most probably to both; and tho' he may devolve much of the Toil, and some Part of the Attendance, upon his Clerks; yet to do well, he must be at one End of most Business himself.

ANOTHER Thing is, that this Court is one of the King's Courts of Justice, where Foreigners almost of all Nations are Suitors; and 'tis for the Reputation of the Government, that such a Trust be committed to a Person that is to be responsible in his own Right; and to one that will have a Concern that nothing of Male-Administration, either through Ignorance or Corruption, be charged upon him. For Miscarriages in this Post, have sometimes come at last to Publick Sharpness and Repentments between our and other Neighbouring Nations.

BESIDES, the Suitors in this Court are generally very miserable People, shipwrack'd undone Persons, poor Prisoners in Goal, some for Debt, others for Crimes; and where the Judge and Register are driven not only out of Necessity to forgive their Dues, but out of Charity too, (I speak as to Prisoners) to be at Charge to keep those that are to answer in Justice from starving in the mean while. This a Register cannot do when he acts in another's Right; he cannot forgive what is another Man's Due: So he must have infinite Wranglings with the poorest of People, or else be liable to the Exceptions of his Principal in the passing of his Accounts.

YOUR self, SIR, can bear Witness, how often the Jurisdiction of this Court has been attack'd by Suits at Common Law; and that our Sessions of the Admiralty are frequent and very chargeable. Mr. *Bedford* hath ever since his coming laid out the Expences necessary in these Cases; if Hands should be changed, who would lay out this Money? Or whether another Patentee will be as tractable as Mr. *Gee* is, to bear his Share in these Burthens? If he be not, the Judge cannot compel him to it.

Mr. *Gee's* executing the Place by Deputy, is the only Instance that can be shewn; the contrary, of the Patentee's executing the Place by himself, is evident from the most ancient Records. What Security, if this Course of putting in Strangers to the Profession, be enter'd upon, that those that succeed Mr. *Gee*, will be so fair, ingenious, liberal, and regardful to the due Execution of the Place as he is? And if they be not, what will become of this Office, and the Judicature it relates to?

IN A Word, SIR, I do not think it can be made out, that at any Time there is any Instance or *Consuetudo*, that the Place hath been better discharged, than it is at this Time by Mr. *Bedford*; and if he should be discharged, I do not know how we shall ever do so well. Yet I do not plead for him, my Concern is only for his Majesty's Court of Justice, that it be served in the best Manner possible; and that those that come to be entrusted in it, may not, by the Miseries of a narrow pinching Allowance, be exposed to the Temptations of being corrupt, sordid, or uningenuous, in the Discharge of their Trust.

THESE are my poor Reflexions upon the Matter, but how much, or if any Part of them, may be proper to be laid before his Royal Highness, I submit perfectly to your Judgment; begging you not to forget to lay me the lowest possible at his Royal Highness's Feet, when you happen to entertain him upon this Subject; and that you will also be pleased to believe, that I am with much Sincerity, &c.

*L. Jenkins.*

*To one of the Lords of the Committee of Grievances.*

MY LORD,

*Nimeguen, March 12. 1676 7.*

I Should think it an Unhappiness, that I am not able, at this Distance, to come at the Acts of the Prerogative Court, nor at the Proofs and Exhibits that lay before me, in granting of Administration of the personal Estate of one *Revel* a Bastard; but as my Defence, as to any Matter of Grievance charged against me, must arise from what shall be found in the Registry of that Court, and from what the Council concerned in that Cause, and the whole Audience may remember of my Proceedings, I am not in the least concerned, let any of them speak against me if they can. It will, I doubt not, appear from the Acts of Court, that the Cause did not depend long there, that it met with no Stop or Delay on my Part; and if there was any Motion for Hearing or Dispatch made, (which I do not remember) it was readily assented to, and Proceedings assigned accordingly.

It was always an established Rule with me, *Nulli negare nec deferre justitiam*; and ever since I have had the Honour to preside in that Court, have endeavoured, by proper Rules, as far as in me lay, and as I found necessary, to restrain all Pretences and Causes of unjust Delays: And in this Cause, I heard all the Matter of Fact, which was very long, in one Day, and appointed another in the same Term to hear Council on several Points of Law arising out of that Fact, and heard several very able Persons at Common Law, as well as those of my own Profession, before I gave Judgment.

I call God to Witnesses, that I never received any Letters, Message, or Word, from the King's Majesty, nor from any of his Ministers or Servants, nor from any other Person whatsoever, tending directly or indirectly to favour the King's Title, or to influence the Proceedings, or the Judgment to be given upon it. Nor did the King's Assignee himself (Mr. *Killegrew*) nor any other in his Behalf, once offer to speak to me at any Time, or any otherwhere than in open Court, about it; and this I am ready to make Oath of.

THAT as there was a Patent exhibited by Mr. *Killegrew*, as Assignee from the King, of this Bastard's whole Estate (Real and Personal), so there was a particular Warrant (under his Majesty's Sign Manual and Privy Signet) touching his Personal Estate, Part of which Warrant was a kind of Direction to the Judge of the Court, and Part to the King's Council, who were to prosecute his Title. This Clause, as it was drawn, directing the Judge to commit Administration, I was at first View unsatisfied with, and did therefore lay before the Council what Objection and Scruple I had upon that Clause which concerned the Judge. But after that Clause had been fully debated, it appeared to me, 1. That there is no other Way, when the King has Right of Administration, but to commit it to a Person, against whom Actions may be brought, and who must take the usual Oath, and answer the Law, as a Person succeeding in *auter droit* ought to do. And, 2. That by the Course of that Court, the King was by his Warrant to nominate and appoint a Person capable, to whom Administration was to be committed in the King's Right; whereupon I proceeded to Sentence, and decreed Administration to Mr. *Killegrew*, the King's Assignee named in that Warrant.

It was perfectly my Judgment then, and 'tis so still, that this Administration did by the Law of *England* belong of Right to the King's Majesty, and that I was by the Course of the Court, to commit it to that Person the King had nominated and appointed by his Warrant, since there was no Exception taken as to his Person, and that I could not do otherwise without Injustice. If I was mistaken in my Judgment, the Law hath provided how my Error is to be corrected, that is, by Appeal. But as to any Grievance given, Delay used, any Partiality or Favour shewn to the King's Interest, or to his Assignee, I am not in the least conscious to my self, nor will it ever be made out by due Proof against me, before the Honourable Committee of Grievances, to whose Wisdom and Justice I perfectly submit. This is all that at present occurs to my Memory concerning the Administration of *Revel*, and am, &c.

*L. Jenkins.*

SIR,

*Paris, June 20. 1670.*

I Beg you will go to Sir *L. Jenkins*, to inform your self for me, what he thinks the Law is in this Case, and at this Day, Whether if any *French* Merchant or Factor dying, his moveable Estate be confiscated to the King, as they here pretend to Dame *à Guernsey's* Factor's Goods, by the *Droit d'Aubaine*, altho' by all our Treaties the *French* King dispenseth with that Right, upon the like Reciprocal to his Subjects dying in *England*.

*Jos. Williamson.*

SIR,

AFTER my humble Service and Respects to Sir *Joseph Williamson*, you may, if you please, inform him, that I do humbly conceive, that the Kings of *England* have never pretended, either by their Prerogative Royal, or by any other Title, (such as the *French Droit d'Aubaine* is) to a Right of succeeding Merchant Strangers, or their Factors dying here, and being Subjects of Princes or States in Amity with this Crown, in their Goods, Debts, or moveable Estate, to the Prejudice of the Wife, Children, or next of Kin, appearing and claiming such Successions. The ancient Statutes and Ordinances of our Kings, such as *Magna Charta*, *Charta Mercatoria*, *Statutes of the Staple*, &c. have declared such Merchants, and their Goods, to be under the special Protection and safe Conduct of the King; and the Course of our Laws, allows such Persons in all Things the same Property and Liberty in disposing of their personal Estates, and the same Remedies and Advantages in their personal Actions, as the King's Leige Subjects,

Subjects have. These Privileges ascertained by our Law, do in their own Nature, as well as in the Construction and Practice of all Nations, necessarily imply all Freedom of exporting what a Merchant, being dead, leaves behind him; nor is it to be imagined, that he hath accepted of our safe Conduct, bestowed his Labours, and gathered an Estate here, and at the same Time know, that all is to be pillaged by Law, if he die before he can transport himself and his Estate out of the Country. Sure I am, that when any Merchant Strangers happen to die Intestate, within the Province of *Canterbury*, their Successions are of Course committed by the Judge of the Prerogative, to the Wife or next of Kin (tho' a Foreigner) appearing and making out their Title. And when a *Venetian* Jeweller died here about 40 Years ago, with the Value of about 12000*l.* in Jewels, tho' Administration was granted to a great Officer of State, in Right of the King, no Wife, Kindred, or Creditor appearing, yet that Administration was revoked and given to those, that should have succeeded him *ab intestato* in his own Country, as soon as they shew'd themselves, and made out their Interest; so if such Merchants do make their Testament, and appoint Executors, those Executors, tho' Foreigners, have the *Probat* and Administration of the Testators moveable Estates committed to them in the Prerogative Court, in the same Form as *Englishmen* have. The *French*, tho' they endeavour to draw in several of the Neighbour Nations, most especially the *English*, to be their *Aubains*, that is, *Gens sans aveu*, when they die among them in the Quality of Soldiers, Scholars, Travelers, &c. yet they have no Colour to subject our Merchants to that Law, tho' we had no Treaty in our Behalf. For *Lewis XI. Ordinance de l'année 1463. Art. 9. permet à tous Merchands Estrangers de tester & ordonner de leur biens, ainssi que bon leur sembleroit, & que leur testament & ordonnance sorteroit son plein effect, comme s'il eust este fait & ordonne au Lieuse, dont ils seroit natifs.* Their Exchequers and Parliaments have so decided it in the Case of *Jean Hanon, Merchand demeurant à Namur & decedé à Paris, sentence & Arrest fut done, que le droit d'Aubaine n'a lieu quant à merchands Trafficons en France, 24 Dec. 1578. the other 19 April, 1584.* Nor do I find that the Case of Merchants Strangers, I say Merchants, not other Strangers, hath come into any Dispute or Difficulty these latter Years. These Instances I do the rather mention, because the Privilege of Merchants against the *Droit d'Aubaine*, is expressly said to be allow'd, not in Regard of any Treaty, but of the Reciproque found to be the Practice at *Namur* and *Antwerp*; besides, if my Memory fail me not very much, I have seen an Arrest *du Conseil*, whereby *main-levée* was ordered in the Goods of one Mr. *Carey*, a Merchant residing at *Bordeaux*, who died about the Year 1661, obtained in the Embassy of my Lord *St. Alban*.

*L. Jenkins:*

*To Sir William Temple at the Hague, from Nimeguen.*

MY LORD,

TO the Question you was pleased to send me about the three *Scotchmen*, and the Objection of the States to your Memorial, that after a Sentence of Banishment, the Allegiance of a Subject is extinguished; I have this with Submission to offer, that there are several Things in the Practice of Nations, (which is the Law in the Question) that makes it impossible for Subjects, in my poor Opinion, to renounce or divest themselves of the Allegiance they were born under.

FOR Instance, no Subject of our Master's, (we'll put the Case at Home) can by the Law go out of his Dominions without his Leave; nor is this Leave, whether it be expressed, or by Implication, (as in the Case of Merchants and Sea-faring Men) granted, but there is a Time always supposed for his Return; I mean, when the King had Need of his Service; and in the Case of every Man of Quality it is always prefixed: Besides, there is no doubt, and we see it is a frequent Practice in *England, France, &c.* to call back the Subjects from Foreign Services and Residences within a Time prefix'd, and that upon Pain of Death; in which Case, if they return not, the Pain is well executed upon them, (provided they lie not under any Impediment) if they afterwards fall into the Hands of their Master: And I think the Court of Constable and Marshal in *England*, would be the proper Judicature in such a Case.

2. Tho' my Prince should give his Leave to settle myself, for Instance, in *Sweden*, and that I should purchase and have Land given me in *Sweden*, upon Condition, and by the Tenure of following that King in his Wars; if my King should afterwards have a War with *Sweden*, that King cannot command me to follow him against my natural and original Master. The Reason of it is, he cannot command me to expose myself more than his own natural born Subjects do; which yet would be my Case,

if

if I should appear with him in the Field against my natural Liege Lord ; into whose Hands, if I should happen to fall alive, he would have a Right to punish me as a Traitor and a Rebel, and put me to the Torture and Ignominy of his Laws at Home, which he cannot pretend to do when he takes those that are not his born Subjects, nor inflict any Thing upon them but what is agreeable to the Permissions of War.

3. NAY, which is more; in the Case of Reprisals, if I live in *Sweden* a Burgher, Officer, or what you please, and a *Dane* for instance hath Letters of Reprisals against the *English* Nation; if my Goods fall into the *Danes* Hands, they are lawful Prize, tho' I be never so much habituated in *Sweden*; unless it proves, that I am so transplanted thither *cum pannis*, that I have neither Goods, nor expect them in *England*, and have resolved never to return thither; which is an Exception that some learned Men allow of, but not all; these Things shew, that the Quality of a natural born Subject, is tied with such indissoluble Bonds upon every Man, that he cannot untie all by any Means. I am, &c.

L. Jenkins.

SIR,

May 19. 1675.

IN Obedience to that Command which I had the Honour to receive from you yesterday, I have applied my Thoughts to the Question you were pleased to put to me, touching the inter-marrying of a Youth of Nine, with a Girl of Eight Years old, viz. Whether such a Marriage will be good in Law, or not? It is a kind of a Contract, which the Laws of the Church do rather tolerate than approve of; because it is voidable by both, or either of the Parties, when they come to Years of Consent. This Contract (for be the Words whatever you can imagine, SIR, it amounts to no more) is entered into, either *per verba de presenti*, such as those in the Office of our Church for Marriage; or *per verba de futuro*, such as may be put into the Mouth of the Parties by their Parents, or any that would instruct them to promise Marriage to each other in apt Words; but both the one and the other, as to the inducing of any Obligation upon the Parties, do depend upon the Ratification they shall make by the evidencing of their Consent when they are come to Age, viz. the Youth to Fourteen, the Girl to Twelve. It is in my poor Opinion, if such a Contract be to be celebrated, more reasonable, that the *verba de presenti* be used in joining them together; for it will then have more the Figure of a Marriage than the *Sponsalia per verba de futuro* will have, and that in the Eye of the Common Law of *England*; which, if I mistake not, gives Dower to a Wife at Nine Years old. But of this Point, I beg you, SIR, to inform your self of some able Common Lawyer; not that it will be any Part of this Case, for I suppose that antecedent Settlements will take away all that Question; but that it will be some Satisfaction to a Parent concerned, to find that the Law of *England* takes Notice of such a Contract, as having in it some civil Effects of a Marriage. SIR, There is no Man alive that hath a more perfect Devotion for your Person, nor a heartier Concern for your Family, than I have; and 'tis that makes me close this Scribble with an humble Suit, that all Precaution and Care possible may be taken, that the Children do not, upon any Accident, fall into Hands that may bring them into a Dislike of what they shall have done, or labour to possess them with any ill-natured Impressions. I am, &c.

L. Jenkins.

To Mr. Secretary Williamson:

SIR,

Nimwegen, April 2. 1675.

IF I might presume to offer any Thing in the *Ostend* Men of Wars Case, it should be under Correction, to put a Stop to the Order for Arresting them in our Ports, till his Majesty have an Account from *Bruxels*, what Process Verbal, or Narrative of this Fact, hath been sent from *Ostend* to that Court. *Matthew* the Merchant, that hath sworn before me fullest, and most distinctly to the Distance, desired to limit himself in his Deposition (whereof I send you an Abstract) to the *Porte* of those Guns that were then mounted on the Walls of *Ostend*; saying at the same Time, (tho' it was not thought necessary to be set down) that he hath known Guns that did carry much further than from the Walls to the Men of War. This first refusing will, I suppose, prove to be a Moot-Point; and I must confess I am hitherto to look for Law or Usage in the *Flandrian* Ports, to support our Demand within their Guns; the Refusal upon the second Rencontre, and the shooting off a Gun into us, is of another Nature, and to be well compared with what Mr. Vice Chamberlain remembers, of their striking to us about 40 Years ago upon that Coast. However,

the Insolency of *Borelotti*, and of his Men, are of a different Nature, and 'tis possible his Majesty will better find his Account, in beginning to vindicate his Right by a Complaint of the last Refusal, and the shooting at *Bruxels*, than in adventuring such Questions too often upon a Jury: But this is my private Reflexion.

BUT I see your Embarrass hath been much greater about our *Scotch Privateers*: The Truth is, I am much scandalized at them in a Time of War; they are in my poor Judgment great Instruments to irritate the King's Friends, to undo his Subjects, and none at all to profit upon the Enemy: But it will not be remedied: The Privateers in our Wars are like the *Mathematici* in old *Rome*, a Sort of People that will be always found Fault with, but still made Use of: I may venture to say the same upon your Question, which is the proper Place of judging these *Scots*, that it will often fall out, but it will be never decided; because there is no third Power that can give a Law that shall be decisive or binding between two independent Princes, unless themselves shall please to do it (which seldom happens) and then cannot be extended beyond the Cases expressed by that Treaty. His Majesty had, when I came from Home, a Controversy with *France*, in a Case not much unlike yours: A *French Merchant-Man* had gone out from *Rochel* to the *West-Indies*, and had committed many Robberies and great Cruelties upon those of his Crew in the Voyage; he, in his Return, put in at *King'sale* for Refreshment, his Company accuse him, he flies, his Ship and Goods are confiscated, as the Goods of Pirates: This Sentence was opposed by the *French Ambassador M. Colbert*, and the Cause desired to be remanded to the natural Judge (as was pretended) in *France*. This produced several Memorials, and several Answers, in which my little Service was commanded; and the King and his Council were pleased to adjudge, he was sufficiently founded in Point of Jurisdiction, to confiscate that Ship and Goods, and to Try capitally the Person himself, had he been in hold; the Matter of Renvoy being a Thing quite disused among Princes; and as every Man, by the Usage of our *European Nations*, is justiciable in the Place where the Crime is committed; so are Pyrates, being reputed out of the Protection of all Laws and Privileges, and to be tried in what Ports soever they are taken.

BUT as the Law distinguishes between a Pirate who is a Highwayman, and sets up for Robbing, either having no Commission at all, or else hath two or three, and a lawful Man of War that exceeds his Commission; so I think, SIR, you had Right to interpose for these *Scots*, as you do very rationally and inforcingly by your two Memorials; and it was a very good Caution you used, in not charging your self with other Reasons than our Master's Commands; as also in making Use of the Word *pretenduz* in your second Memorial; for that King's Answer lays hold of the Concession you seemed to make in your first; for tho' the Crimes were great and notorious, yet the Proceedings whereby they were laid open and proved to be such, being void and null, if the Judges did (as I am of Opinion they did) exceed the Bounds of their Power, it may be truly said, the Crimes are but *pretendus*, being the Proofs made of them are not sufficient in Law.

IN order to evidence that these Judges did exceed their Bounds, as to the Condemnation to Death in their Sentence, and it may be as to the Confiscation too; it may be asked them, 1. Whether the 35<sup>th</sup> Article of their Treaty, for determining the Manner of proceeding to Reparations of Damages, do not leave the criminal Part to each Prince? And the rather, for that such Abuses and Excesses, abstracted from the Damages and Affronts they give, are solely against the Prince that gives the Commission, and consequently punishable by him only as Transgressions from his Rule, and Aberrations from his Service? 2. It must indeed be granted, that these Ships, if they belong solely to those *Scots*, and our Master had declared their Commission void or forfeited, for which Application ought to have been made to him, had been well adjudged to be sold, in order to repair the Damages of such as suffered by them: But it may be asked, whether Foreigners are not to look upon them as the King's Ships, while they sail by his Commission unrevoked; and are bound to follow the Order of his Commanders, as fully as any that are reputed the King's own Men of War; and tho' they have no regular Pay, yet they have advantageous Conditions, which are tant-amount to ready Money, &c. When our Master hires Merchant Ships, or presses them out of the *Thames*, they are, while in his Service, to be reputed his, as much as those of his own Building; and no Man can lay any Action of Debt upon them, tho' the Owner have specially hypothecated them to his just Creditor. Therefore it may be a Question, whether, if it does not appear to those Judges, that the sole Right and Property of those Ships was in those *Scots*, the confiscating of them was not a disarming the King's Servants in a proper Course against the Enemy: I mean taking the King's Weapons out of their Hands *pro tanto*:

It may be added by way of Supposal, without any great Absurdity, that one or two, nay, six or ten of the King's own Men of War, might have committed such Mistakes, nay, Excesses, or Crimes, call it what you will, would the *Danes* in such Cases confiscate the King's Ships? Will they hang the King's Commission Officers? *Magis & minus non mutant speciem*. I fear such Proceedings and such Justice would quickly lead to Reprisals, and after that to a War.

To add one Word more among the many of Ignorance I fear I am guilty of in these Lines, I must account for that of having read little of the Law of *Denmark*, which I am told they are very happy in, that it is not voluminous; when it please God I may wait on you in *England*, SIR, I hope to have that Advantage of seeing it, among many other that I promise my self, from the Happiness of waiting on you: The Thing that I would ask is, whether there be any Law, among your written or unwritten, (Common or Statute Law, as we say) and *in viridi observantia* too, for that must be the Rule whereby such Violation as that upon their Port, or such an Attempt as that within the Height of their Castle, is made punishable with natural Death; and if there be not, is there any Court or Judges among them, that can imagine Death, which is *ultimum supplicium*, can be inflicted arbitrarily, without the express and positive Letter of a Law, or an immemorial, indisputable Custom to direct and warrant it? If there be such Laws, they are the only Nation that I know of that can glory in such Rigours; and if there be not, they are the only Judges (except it be the *Muscovite*, or some others Frontier to the *Turk*) that will inflict Death where the Law is either silent in the Case, or leaves it to an arbitrary Punishment: SIR, I beg you'll pardon me for this long Scribble: Your Demand was, that I should give you my little Reflexions upon the whole Matter; had you confined me, I should have been more brief. I must not forget however to subscribe, as I do, to Sir *Robert Wise-man's* Opinion, it is solid and well digested, against putting the Party to Death, and much may be said, tho' not so much against the Confiscation. I am, &c.

L. Jenkins.

*My most Honoured Lord,*

I Am much in the same Case with that old Philosopher, who the more Time he had allowed him to deliberate upon a hard Question, the more still he craved; so the more I consider your Lordship's Question in my own Thoughts, and the more I debate it with others, (which I have done, tho' always with a Disguise of the Persons) the less clear, and the more hesitating I find my self when I come to form a Resolution.

HOWEVER, MY LORD, I will humbly take Leave to lay before you, the Sum of what I have to say upon your Lordship's Question, (so full of Honour and Conscience) in the few Periods following.

If the Estate, touching which the Enquiry is, were of my Lady your Daughter's own Acquisition, she were, I doubt not, entirely free to follow her own Inclinations in disposing of it, without any Obligation to regard either the whole or the half Blood, further or otherwise than the Rules and Measures of natural Affection and Prudence should dictate to her. But this Estate coming to my Lady by Descent, as well as by Devise, it is obvious to the Enquiry of every considering Person, whether there be not in this Case some special Regard to be had, partly to the Laws of the Country in Points of Descents, and partly to the Intent of the Ancestor that acquired, and of those since that preserved and transmitted the Estate to her.

THAT there is some such Regard to be had, seems to me to be clearly evinced, in that my Lady (and so every Person in *England* in her Ladyship's Case) might have formed to her self a Pretension, and an Expectance in Equity (while my Lord her Uncle was living, since he had no Children of his own) upon the Estate, and that all the World would have allowed of her Expectation as reasonable, if not upon a personal Tenderness that the Uncle might have for the Neice, yet upon the common Regard which Men usually have, or are presumed to have, in making their last Settlements, to the Law of Descents, and to the Intent of their common Ancestors. Now whatever Equity my Lady seems to have had upon my Lord the last Duke, the Ladies her Aunts seem to have (the same Circumstances happening) upon her Ladyship.

NOR is it unreasonable that a Regard in these Cases should be due to Descents; the Law, I mean, and the common Course of Descents, point out to every Man his Heir; but with a Liberty in his Life-time (if there be not Incumbrances antecedent) to order otherwise: If the Estate be of a Man's own acquiring, then the Law points out that Person, whom the Acquirer is presumed to have loved best; that is, the Person nearest in Blood to himself. For to whom would any Man wish the Enjoy-



ments of the Fruits of his Labour, but to his nearest in Blood? But if an Estate comes to a Person by Descent, then the Law points not out him, that the last in Possession shall be presumed (if he have no Children of his own) to have loved best, but it points out one that shall be presumed to have been best beloved (I mean most respected) by the Ancestor, the Founder of the Estate; for this Founder is supposed in his Acquisitions to have had all his Descendants in his Eye, and to have intended that each of them should, in his Turn, according to the Course of Succession, partake of his Care and Provisions; nay, to leave it as a Burthen upon his Heirs successively, to pass his Estate from Hand to Hand in his Blood, (even where there is no Entail, and before there was any such Invention) according to the Course of Descents.

'Tis true, this Burthen is not tied upon any, (where there is no Entail) otherwise than with the Ties of a grateful Respect to the Intent and Designation of that Ancestor, upon whose Provisions I now live comfortably; yet this Tye seems tacitly to resolve it self into that great Rule of doing as I would be done by, in case I were now leaving an Estate behind me to the Disposal of my own Descendants: So that that Law, which hath already (as it were) made my Lady's Will, and her Devise of this Estate, (in case she leaves no Children of her Body, or do not otherwise order it in Favour of my Ladies her Aunts) seems tacitly to advise, that my Lady should not vary from that Law, but upon sufficient Reasons and Motives, and such doubtless there may be in her Ladyship's Circumstances.

WHAT Reasons and Motives in my Lady's Circumstances shall be sufficient, so that she may alienate this Estate from her right Heirs, with Satisfaction to her self, and without just Dissatisfaction to others, is the Hinge upon which this whole Question seems to turn; and here if my Lady, out of her Regard to the Intent of the Ancestor, should resolve not to alienate, but upon such Reasons and Motives as she might be sure (as far as we can be in Matters of mere Conjecture) of his Sentiments and Concurrence of her Side; 'tis my humble Opinion, that she might believe her self to be at perfect Liberty to do it irrevocable.

1. IN Favour of a Husband, where she judged his Worth and Affection to deserve it.
2. IN case of her own, or of any Ancestor's Debt, that could not be satisfied but by making away of this Estate from the Family.
3. IN Favour of Religion and pious Uses.
4. IN case the right Heir should prove extremely unworthy, then to devise it to one further off.

IN these Cases, it may be presumed, that a pious, just, and generous Ancestor would have no Regret, to see his Estate given or gone away from his Blood, since no Man can promise himself a Perpetuity unalterable in these Matters. But in case of preferring the half Blood (which is a Stranger to this Ancestor, before the whole Blood) which is (as I said before) next in his Eye and Designation, especially when he in the half Blood cannot pretend that he more wants this Estate in his Rank and Figure, than they of the whole Blood do in theirs; the Conjectures of most Men, to my Thinking, would be, that the Approbation of the Ancestor were not to be gained so readily as in the Cases foregoing. Here it may be objected as a hard Thing, that Imaginations and Conjectures should be laid as Restraints upon my Lady, where all Laws divine and humane do leave her to her Liberty; especially when her Alienations would be no other, and to no other End, but first to express the Affections of a loving Sister to a most deserving Brother. 2. To leave Marks of her Respect and Thankfulness in that Family, where she had so good an Education and Maintenance all her Life-time.

To this 'tis obvious to make a Reply out of the Difference first laid down: In Lands or Goods of my Lady's own Acquisition, nay, in the Marriage Portion she has from her Father's House, there is no Pretence of restraining or limiting her Affections to the half Blood; but the Question is, concerning an Inheritance, wherein the Law of Descents, and the Meaning of the first Founder, seems to challenge a Preference of the whole Blood, notwithstanding there be a Brother in the Case.

As for the Marks of Thankfulness to the Family for my Lady's Education and Maintenance, which may make a weighty Consideration with her, all this ought to be cast up and valued by the Estimate of good and prudent Men; and the Amount of it ought, as I humbly conceive, to be looked upon by my Lady as a just Debt to be charged upon, and to be made good out of this Estate, if there be no other to bear and answer it; for this is so much the more a just Debt upon my Lady, as it may be a Diminution to their Portion, (tho' I know your Lordship does not heed, much less value what goes upon that Account) whom my Lady hath most Reason to love best in the whole World.

Thus Liberty I cannot imagine the Ancestor would grudge to my Lady, so as to charge this Estate, or to alienate any Part of it, to compensate such a Debt; no, nor yet if her Ladyship went further, in order to leave a becoming Monument of her Affection to those she loves best, if she have not a Fortune to come to her another Way to do it withal; it being but congruous to Reason, and the Course of the World, that great Persons be at Liberty to leave such Evidences behind them, as may let Posterity take Notice they have been in the World, and have loved and honoured their Relations as became them; nay, it would be extremely inconvenient, as well as indecent, that my Lady should not find her self at perfect Liberty in this Case.

THIS, MY LORD, is my humble Reflexion upon the whole Matter, having chosen to lean to the severer Side, both because it was your Lordship's Command to me, that I should be sure not to regard any Interest or Concern that your Lordship's Family may have in this Case; and also because I take it to be safest, for any that shall have Cause to advise my Lady your Daughter (as my Lady Marchioness and your Lordship may possibly have) in any Settlement or Disposal that she may think of making in Contemplation of her Friends. For 'tis my humble Opinion, that their Cause, who advise and persuade in this Point, is such, that they will do best if they lay before my Lady all that they are convinced of, of the Regard due to the Law of Descents, and the Designation of Ancestors; whereas my Lady your Daughter hath a Liberty vested in her, that does not consist in a Mathematical Point; and she may compensate her Debt (for so I reckon the Value of her Maintenance to your Lordship's Family) by the Measures of a generous and noble Soul; and not by Grains and Scruples, as if she had no Liberty left in an Estate, which the Law of the Land determined to be entirely her own.

I do therefore humbly offer it, (but it is with all the Submission imaginable to your Lordship) that my Lady may please, having assigned some Portion of what is descended upon her to Almighty God, to divide this Estate into two Parts, (I do not mean two exact equal Parts) that with the one she would do Justice, in leaving a full Return to your Lordship's Family, for all that she owes for her Education and Maintenance, in a noble way of Gratuity, not Compensation, adding honourable Marks of her Sisterly Affection to those noble Relations at Home, in proportion to their Endearments and her Generosity; and that with the other Part, (I mean the Residue, whatever it be) she would please to gratify her right Heirs, in leaving it to descend upon them, as it did upon her Ladyship.

AGAINST this, MY LORD, I cannot imagine the strictest Casuist alive would have any Thing to object in Behalf of the whole Blood; yet if these Measures were never so much receded from, I should easily believe it were done upon very sufficient Grounds and Reasons; so far am I from being confident that what I have writ will hold Water (as we say in this Case). I am, &c.

*L. Jenkins.*

*To the Honourable Mr. B. a Vice-Admiral.*

SIR,

1680.

HAVING seen the Contract that your Letter to me of the 31<sup>st</sup> of March last mentions, and also having perused what you writ to Mr. W. as well as to my self, I think my self bound to tell you, that the Contract is absolutely void. The Master had no Power in this Case to sell any Thing, but what was meerly his own in Property, he could sell nothing that was his Owner's, or his Freighter's. Besides, the Contract is *ipso facto* null and rescinded by the Law, upon the Account of the Extortion on the Buyer's, and the Necessity on the Seller's Side.

IMAGINE, SIR, I beseech you, what a barbarous Thing it would be in me, for example, if I finding my Neighbour and his Horse fallen into a Ditch, did not help him out but upon exacting of half the Value of his Horse, which would infinitely exceed my Pains. I do most readily allow, that for Attendance, Loss of Time, and Pains taken, a *quantum meruit* is due by Law; the rest is Extortion, and is the more inhumane, in that it adds Extremity to the Loads of the Afflicted.

I do not exaggerate; I write but what I take to be the Law of this Land. I do not remember Sir E. Coke (as you have been advised) touches any where upon this Point; he determines indeed, that the Judgment of *W'reccum Maris* (and the Case in Hand is nothing to it) belongs to the Common Law, but not a Word that I can call to Mind of Salvage in any Case, as this is. But if he had so determined, I must take Leave to say, that if this had been the Case of a Foreigner, (this in Question seems to be of an *Irishman*, who cannot have Recourse to other Tribunals than those of the

King's



King's Majesty) I say, had it been the Case of a *Spaniard*, or *Hollander*, and that a Verdict had passed in *Westminster* for the Validity of such a Contract as this is, and that the *Spaniard* or *Hollander* could not have had his Ship or his Goods restored to him by such a Buyer; the King, and all his Subjects of these Three Kingdoms, would have been justly liable to Letters of Mart and Reprisals, and consequently have been forced to answer it with five hundred times the Value of such a Ship and Cargo as this is; but without any other Remedy on our Side than Counter Reprisals, or an open War. Both which, I am sure, every good Subject ought to avert and prevent all he can from his King and Country.

As for your Objection, SIR, that you have undertaken a very ill Province, if your Commission of Vice Admiral entitles the Merchants to your Service at a Hackney Rate; I have this to say, that a Justice of Peace on Land hath but a very maigre Employment in the several Parts of his Duty, especially those for preserving the Publick Peace, and Mens particular Properties, against Riots and Routs, and yet they (Men of Honour and Probity, I mean) never complain of it; a Vice Admiral is plainly such another Officer in relation to the Sea, and under the same Obligations with those at Land; that is, represents the King's Part in preserving his Subjects and Allies from Violences, most especially in their Distresses. Yet in some Things every Vice Admiral will confess, that he hath a better Prospect to a lucky Hit, than a Justice of Peace at Land hath: Besides, Vice Admirals in *England*, in ancient Times, being Persons of great Figure in their Country, used to lay out themselves and their Pains, for saving the King's Subjects, their Allies, and their Goods respectively, as Men that were appointed to relieve the Miseries of Strangers, and that regarded the Peace, the Honour, and the Justice of the Nation.

UPON the whole Matter, I must take Leave to say, that your Deputy, in making such a Contract in your Name, hath not had that Regard he owes to your own Credit, to the Honour and Service of the King, and to the Justice and Interest of the Nation; (Interest, I say) by Reason the Navigation of our own Country Ships upon Foreign Coasts is so highly considerable, and subject to the like Casualties; and I think you can do no less than revoke your Deputation to him. I am, &c.

L. Jenkins.

*To the Right Honourable the Lords of the Committee for Grievances.*

MY LORDS,

Nov. 10. 1668.

THE Ship *Ahasuerus* of *Lynn* in *Norfolk*, (whereof I am in Obedience to your Lordships Commands to give an Account) was condemned with its Lading on the 30th of *May* last, in the Council Royal of Finances at *Paris*, to a *French* Privateer, who had surprized, and carried her out of the Road of *Newport* into *Dunkirk*, on the 5th of *March* before. The Examinations of the Master, Mr. *Swanton* of *Lynn*, and of his Mariners and Passengers, were taken the next Day at *Dunkirk*, and thence transmitted to the said Council Royal at *Paris*.

It doth not appear, MY LORDS, by the *French* Abstract brought me of the Proofs and Proceedings in that Council, that any *English* Merchant did appear to claim the Lading, (which was Butter, Sugar, Cloth, and Serges, to a considerable Value) or any Part of it, tho' it was taken in all at this Port; and the Master in his Answer affirmed, that all of it belonged to *English* Subjects.

THERE was indeed a Claim of this Cargo set on Foot by certain Merchants of *Lisle*, then become a *French* Garrison; who alledged, that these Goods had been bought in *England*, and laden upon their Account, and consigned to their Correspondents at *Newport*; and that by the 31st Article of their Rendition to the *French*, they had Liberty expressly granted them to continue their Traffick as before, with any Part of *Flanders* remaining then in Obedience to the Catholick King. But the *English* Master, in his several Examinations, had so varied from himself and his Company, as the Company likewise had the one from the other, that the Reporter to the Council had no Difficulty to discern and conclude this Claim from *Lisle* to be a meer Colour, and consequently the Goods confiscated as belonging to *Flemings*, then in Hostility with the *French*.

BUT for the Condemnation of the Ship, which is the sole Thing before your Lordships, there were other Arguments made Use of, and deduced from four several Heads.

1. FROM an Article of the *French* Ordinance of the Year 1584, whereby it is declared, that either the Goods, or the Persons of Enemies, being found on Board the Ship of Friends, shall infect such Ship, and make it a good Prize. That there were several

several *Flemish* more than *English*, aboard the Ship, appears by the Examinations; and the Claim of the Men of *Lisle*, made the Presumption strong, (no *English* appearing to have an Interest) that the Goods too were such as did affect the Ship, as belonging to *Flemings*.

2. FROM another Article of the same Ordinance, whereby Ship and Lading are declared good Prize, where no Charters-Party, Bills of Lading, nor other Documents concerning the Cargo, are found on Board; and it happened, that the Captor found none in this Ship. For the Master having left the Ship at Anchor, and being gone a Shoar to seek a Pilot, had (as he says) carried the Bills of Lading with him, and put them into the Hands of a *Fleming* (who was a Passenger, and was come a-shore with him) but himself being forced upon the sudden to return to his Vessel, when he discovered the Privateer making towards it, he had not Time to call for his Bills of Lading out of the *Flemings* Hands.

3. FROM their not having his Royal Highness's Passport on Board him, which the Customs of the Sea, and a Treaty between his Majesty and the Most Christian King, (as M. d'Alligre the Reporter apprehended) obliged the Master to be provided of; and indeed he had no other Passport or Sea-brief, but the usual Cocket of the Custom House at *Gravesend*.

4. FROM a Prohibition made by the Most Christian King, in *February* last, that no Person, without his express Permission, should have any Commerce or Traffick with the King of *Spain's* Subjects. This Prohibition, MY LORDS, I never saw; and whether it prohibits the *French* Subjects only, or Foreigners, (which would be very strange) I do not know; only it is some Reply to the Merchants of *Lisle*, who urged, that upon their Rendition, they had Liberty left them to treat with the Subjects of *Spain*, which Liberty the Claimer in his Argument contends to have been taken away in *February* following by this Prohibition.

As to the Treaty, if there be such a one as M. d'Alligre takes for granted, and pleaded by the Men of *Lisle*, (which I confess, MY LORDS, I never saw; for in that at *Breda*, there is nothing to that Effect) I must submit it to your Lordships, how far the not having his Royal Highness's Passport, doth expose this Ship (otherwise free) to the Article of the *French Ordonnance*.

THE Treaty of Commerce betwixt his Majesty and the States General, (which is the same *Verbatim* between the *French* and the *Spaniards*, agreed at the *Pyrenées*, as also between the *French* and the States General) doth no where determine, that unfree Goods do make the Ship unfree, in Case it have not a Passport in due Form on Board it; the utmost Peril is, that where such Passport is not produced, the Ship is subjected to a Detention, and a rigorous Excussion; but the Owners, if free, are not by the Treaty, nor can they by Law be debarr'd to make out their Property by legal Proofs. This I say, MY LORDS, where there is no Declaration made by Reason of a War, that unfree Goods shall make the Ship unfree, as his Majesty publish'd in *February* 1664. to that Effect against the *Dutch*. The Treaty with the States mentions not this Case; therefore it must be resolved according to the *Jus Commune*, which allows not the confiscating of a Friend's Ship, because it carries Enemies' Goods. 'Tis true, that an unfree Ship makes the Goods of a Friend unfree, but, besides that, it is obvious there is not a Parity of Reason in both Cases, penal Constitutions cannot be extended beyond the Letter, to the Prejudice of publick Commerce. Nay, 'tis expressly provided in all the Treaties abovementioned, that where contraband Goods are met with going to an Enemy in Friendship, the contraband Goods only shall be taken out and confiscate, but the Ship shall be free, which is a Case much less favourable than when we bring Home only such Merchandises as we are permitted by all Laws and Treaties, to sell to those that are in War with his Majesty's Allies. So that tho' it be very inconvenient, not to have a Passport in Form, yet it is not so fatal as the Argument for the Captors would have it to be.

BESIDES, the Master deposes, that he neither knew, nor heard, of any Treaty, Command, or Order, to be provided with any other than the usual Dispatches for this Voyage. And there were three Masters of *English* Ships then riding in *Dunkirk-Road*, who did attest, that they themselves had no other Passport but the usual Cocket from the Custom-House; or that they never knew or heard of any other Passport or Sea-brief used by the *English*, in their Voyages to those Ports.

As to the Article, which requires Documents of the Lading in a Readiness to be produced on Board; I do humbly conceive, that it is not (if what the Master deposes be true) applicable to the Fact in this Case. For that Article refers to rencounter at Sea (the Words being *les navires prises en mer*) not to Surprizes at Anchor, as this was; for the Master being on Shoar, might have good Cause to have his

Bills of Lading about him ; so the leaving of them behind him upon so surprizing an Alarm as that was, which called him back to his Ship, cannot be a sufficient Ground for Condemnation.

But if there be no such Treaty of Commerce (as M. d'Alligre supposes) between his Majesty and the *French King*, the old obsolete *Ordonnance* of 1584, is the only Thing that can be pretended to affect this Ship ; and there are several Things of Moment, as I conceive, that may be said, to shew that that Article ought not to obtain in this Case.

1. THAT Article hath been complained of, and written against, by Publick Ministers and learned Men, upon the first publishing of it, as an Encroachment and Violation of the natural Freedom of Commerce.

2. THE direct contrary has been adjudged in the Case of a free *Hamburgher*, surprized with unfree Goods on Board it, by a solemn Decision of the Parliament of *Paris* 1592. And this Article was then declared in the Sentence it self to be abrogated by Disuse (the first publishing thereof being under *Francis I.* 1543.) having never obtained in Judicial Determination, for those 49 Years ; and the Design of the first publishing it being only *in terrorem*.

3. It has been moderated with several Restrictions, by the last and present Most Christian King, in their several Edicts ; (*viz.* Dec. 19. 1639. June 15. 1645. Jan. 21. 1650.) and by another *Ordonnance*, the 1<sup>st</sup> of Feb. in the same Year, it is expressly provided, that in Prizes taken, and to be taken by *French Commissions*, the Goods of Enemies only shall be detained and made Prize ; but the other Goods, and Ships that carry both, if they belong to Friends, shall be discharged.

4. THAT Article hath been expressly dispensed with to the *Hanse Towns*, and to the States General. In the Treaty between *Cromwel* and the *French* 1655, it was expressly agreed, that *English Ships* should be free and uninterrupted in their Course from *French Men of War*, tho' they should happen to be laden with the Goods of such as were Enemies to the *French*, except such Goods were of the contraband kind specified in the Treaty. It is true, that Article was but for 4 Years, till a better Provision could be made ; but the *English* still are under the Protection of the *Jus commune*, which that Article doth affirm, till there be some new Establishment in the Point.

5. HIS Majesty, in the late War with the *Dutch*, has not only by due Course of Justice freed all *French Ships* that carried *Dutch Goods* before the Time of his Declaration, (of the 22<sup>d</sup> of Feb. 1664. whereby Ships were rendered unfree, if any unfree Goods should be found on Board) but also from the Time of that Declaration, to the Time of the Breach with *France*, his Majesty was pleased, upon the Instance of the *French Ambassadors*, to order the Release of *French Ships* coming from *Holland* at several Times, notwithstanding the strong Presumption of their having *Hollanders Goods* on Board them.

As to your Lordships Command, that I should humbly return what I deem fittest to be done in this Case for the Master's Relief, I have nothing satisfactory to offer to your Lordships. I dare not advise him to a *Requête Civile*, what they call an Appeal in this Case ; the late *French Ordonnances* for Regulation of Judicial Proceedings, rendering that Method very hazardous and penal, where the Appellant has not either new Matter of Defence or Proof, not offered in the first Instance ; or else that the first Sentence was obtained by Artifice and Surprise. And I confess I know not how this Cause came to be heard in the *Conseil Royale de Finances*, which was erected in the Year 1661, for the Affairs of the King's Revenue only ; but if that Council does hear and determine the Affairs formerly belonging to the *Conseil de Marine*, it judges sovereignly, and admits of no Appeal, either to the Parliament or the Marble Table, where Maritime Causes were heard before Cardinal *Richlieu's* Time, sometimes by Appeal, and sometimes by Evocation. So that his least expensive (if not the only practicable) Way will be, to petition the *French Ambassador* here ; and if his Majesty will please to descend so far, as to direct some Person to enforce the Merits of this Case upon the Petition, Reason will either be done to the poor Man, or else there will be a fair Way opened to pursue the ordinary Methods for Redressals.

I cannot but observe, in all Humility to your Lordships, that this Ship was laden by *English Merchants* in this Port, the Master names 14 of them in the Examination annexed ; it would be worth the Enquiry, whether these Goods paid Custom, as belonging to Foreigners, or to *Englishmen*, as the Cocket seems to import. If his Majesty was defeated of his due Customs, these Goods being undoubtedly shipp'd upon the Account of Foreigners, otherwise the *English* would have claimed them, these Merchants are not only accountable to his Majesty for this Fraud, but also the  
Master,

Master, whom the Civil Law relieves to the full of his Damages, when the Freighter lades Goods that are unfree, under the Notion of free Goods, without his Privity. All which, &c.

*L. Jenkins.*

*To the Right Hon. the Lord Keeper.*

MY LORD,

*Jesuit-College, Oxon, Aug. 13. 1668.*

**I**T is your Lordship's infinite Condescension, to call for an Opinion so little to be consider'd as mine, before you do determine upon the *Flemings* Petition for a Review; and 'tis my Unhappiness not to be nearer to the Register of the Delegates, and other Practicers in those Courts, in order to inform your Lordship, whether there are any Precedents or not of Reviews in Marine Causes sentenced by the Delegates; only I can affirm, MY LORD, that I have not known any in that little Time wherein I have had the Honour to serve in the Admiralty. I need not observe to your Lordship, that the Statute of the 8<sup>th</sup> Eliz. c. 5. makes the Delegates Sentence final, and prohibits further Appeal from the same in Marine Causes. There are in a manner the same Words, and the same Prohibition, in the Statute touching Appeals, of the 25<sup>th</sup> Hen. VIII. c. 19. and yet 'tis certain, that in those Causes the Delegate Sentences have been now and then review'd. I have seen a Letter from one of my Predecessors, Dr. *Lewis*, to Secretary *Cecil*, wherein he desires his Favour to promote a Bill in Parliament, (which no doubt was this very Statute, 8 Eliz. c. 5. for his Letter bears Date Nov. 5. 1566.) which he says he had brought into the Lower House, for reducing Admiralty Causes, in Point of Appeal, to the same Standard the Ecclesiastical Causes were, by the Statute 25 H. VIII. And in Answer to some Question that Secretary had put to him, he adds these Words: "My Lord Keeper cannot grant any Commission upon Appeal, but *in communi formâ*, without he have a special Warrant from the Queen's Majesty, wherein also I have some doubt:" Meaning, I suppose, (as the Civil Law lead him to believe) that no Man could be precluded (at leastwise before this Statute was made) from making his Complaint to the Prince: For so it obtains, MY LORD, in most Places of *Christendom* at this Day. For instance, the Free Cities of *Germany*, which are in Possession of making Municipal Laws, are not able by any Statutes, which they frequently make, to hinder their Subjects from obtaining a Review in the *Imperial* Chamber of *Spire*. So tender is the Civil Law of the Privilege of Appeal.

BUT that, MY LORD, which inclines me very strongly to believe there lies a Review in this Case is, that the Petitioner, for it is a Stranger, and a Subject to one of his Majesty's Allies, and consequently has, as well by the Law of Nations, as by several Treaties with *Spain*, a Right to implore his Majesty's Justice, and to be instant for it by all Ways and Means, not only ordinary in our Courts of Justice, but extraordinary also, before his Majesty by his special Delegates. And Dr. *Lewis*, it seems, doubted, whether a Complainant, who probably was a Stranger that moved the Secretary for Relief, should be concluded by them, or in his Majesty's most honourable Privy Council.

THE Act 17 Car. I. is likewise considerable in this Case. For supposing this *Fleming*, being not admitted to this Review, do sue out Letters of Reprisal against us from the King of *Spain*: I must confess I do not see how his Majesty can well demand the stopping or revoking of such Letters, or grant Letters of Contre-Marque against the *Spaniards*, unless it can be made out that the Complainant has been fully heard and legally over-ruled, in all the Instances, ordinary and extraordinary, that he hath made for Justice.

It may be objected, MY LORD, that this is a Cause of Depredation, and consequently too odious to bear a Review, without at least depositing the Sum contended for; but it being either confessed or proved (if my Memory deceive me not), 1. That this *Fleming* had a Commission of War. 2. That he took this Prize long before the Peace was declared between the Two Crowns. 3. That this Prize was condemned to him Judicially, before the publishing of the Peace; It is, as I humbly conceive, begging of the Question, to conclude this Case (before the whole Merits of it be inspected) to be a Depredation. And I cannot but think, with Submission to your Lordship, that there is Matter of State, as well as of Law, in this Case, not improper for the Consideration of his Majesty's Privy Council. The rather, MY LORD, in that the Merits of the Cause (if I understand and remember it rightly) depends upon the Explanation of a Proclamation, set out in Sept. 1660. wherein his Majesty declares, that the League and Amity between this Crown and that of *Spain*, being interrupted by the Usurpers only, it had been agreed between his Majesty and the

King of *Spain*, that the ancient Amity and Treaties be understood to stand entire, and all Hostilities to be ceased from his Majesty's happy Landing upon *English* Ground, and that there should be a mutual Restitution of all Ships and Goods taken by or from either Party, from the 26<sup>th</sup> of *May* 1560, and that this should be published upon the same Day in both Kingdoms; which was done with this Difference, that the then Governour of the *Low-Countries* wholly left out the Mention of Restitution of Goods to each other in his *Flemish* Proclamation.

So that, MY LORD, it will fall under Debate, whether his Majesty's Proclamation could, *ex post facto*, impose an Obligation upon this Foreigner to restore the Value, for there is nothing here arrested but his Person. Where it mentioned only Ships and Goods in Specie, and where the Ships and Goods too had been, after a Judicial Sentence, sold away, and the Produce of them divided between his Seamen, and set out long before the Proclamation. 2. Supposing the King of *Spain* had stipulated to that Effect with his Majesty, and acknowledged it by his Proclamation, it will be a Question, whether the proper Remedy to the *English* does not lie in the King of *Spain*'s Court of Admiralty, where Ship and Goods were first condemned; each Nation being obliged to pursue their Remedy to the utmost, in those Places and Courts where they are first aggrieved; that if they be not righted by due Course of Law, Recourse may be had to Reprisals, which is the only Remedy in a Denial of Justice; and Justice can't be supposed to be denied, but in that Country where the Wrong has been done.

MY LORD, I do not make these Objections, (which I must confess had Weight with me) but with a perfect Deference to those honourable Persons, before whom my Sentence was examined; and I have no Difficulty to acknowledge the Weakness of my own Judgment in comparison of theirs. I am, &c.

*L. Jenkins.*

*To the Right Honourable Edward Earl of Clarendon, Lord High Chancellor of England.*

MY LORD,

YOUR Lordship having been pleased, upon the Petition of *Richard Batson*, to refer to me, whether, notwithstanding his Renunciation of an Appeal, since he had not the Time and Opportunity to make his Defence, which was the Consideration for which he renounced, he may not have Liberty to sue out a Commission of Appeal.

UPON Consideration of his Petition, and the Act made of his Renunciation hereunto annexed, I am of Opinion; That tho' the Law be extremely favourable unto those Appeals that are addressed to the Sovereign, yet I cannot say that the Petitioner (who is no Minor) hath any Colour to be relieved against his own express Pact and Renunciation.

HIS Case is thus: He had, upon the re-opening of the Cause, five Weeks given him to make his Proofs and Defence; nor was the Cause concluded upon him till eleven Weeks End. In this Time, his Proctor produced seven Witnesses, and had Compulsories decreed him against eight more: If the Impediment, which the Petitioner, it seems, laboured under for some Part of that Time, was any Cause that he could not do all that was to be done in his own Defence, he should have pleaded, or protested of it *in Actis Curie*, before the Conclusion of the Cause.

AND there being an undoubted Right acquired to the King's Majesty by this final Decision, he can't, as I humbly conceive, be divested of it without his own Royal Consent, at least not without hearing the Council, who on his Majesty's Behalf prosecuted this Suit. And the Petitioner must impute it to his own neglect, that he did not make Use of his Time allowed, or else plead the Impediment, while he was to be heard. For as a Man's own Pact is sufficient to remit an Action or a Debt, tho' never so just or great, so by parity of reason it should be, and in the general is, of Force enough to preclude a Man from the Benefit of being relieved upon Appeal.

2. THAT which seems peculiar and favourable to the Petitioner's Case is, that the Validity of this Pact does not lie judicially by way of Plea, but by way of Suggestion only, before your Lordship. For tho' the Pact it self be sufficiently notorious, as being in the Acts of Court, yet now that it would be receded from, there ought to be a Judicial Hearing upon the Merits of it; since it is not impossible but that it may be such, the Inducements and Circumstances consider'd, as not to bind the Petitioner in this Case; especially since the Pact is not mutual, nor the Appeal renounced on the King's Majesty's, (which certainly would have made the Pact more binding, if not more agreeable to Law) as well as on the Petitioner's Behalf.

3. How

3. How far the Statute, 8 *Eliz. c. 12.* does oblige your Lordship to enter into the Cognisance of the Causes of Appeals, is not a Business proper for my Speculation, but ought to be wholly submitted to your Lordship's better Judgment. However, MY LORD, I humbly apprehend, that the Debate of a Preliminary Article, such as this of the Petitioner's renouncing is, may not improperly lie before such as your Lordship shall delegate to Judge the whole Cause. And since the Benefit of alledging this Paſt againſt the Appellant, will be as entire to his Majesty's Council before the Judges Delegates, as now it is before your Lordship, (the Petitioner having deposited the Sums he is condemn'd in) may, as I do with Submission conceive, have a Commission of Appeal granted to him, without any Prejudice to the Right already acquired to his Majesty. For in case the Petitioner be not by Law to be relieved, upon the Impediments he alledges himself to have labour'd under, and that he was not so disabled to carry on his Defence, as he pretends, the Judges Delegates will find themselves obliged to remit the Cause with Coſts back again. All which I humbly submit to your Lordship's Wiſdom.

*L. Jenkins.*

*To the Right Honourable Sir Orl. Bridgman, Knt. and Bart. Lord Keeper of the Great Seal.*

MY LORD,

**I**N Obedience to an Intimation from your Lordship, brought us by Sir *Timothy Baldwin* Knt. one of the Masters of the High Court of Chancery; and after Perusal of your Lordship's Order of the 15<sup>th</sup> of *February* last, in a Cause of Alimony between *Broom Whorewood* Esq; and his Wife; we do humbly signify as our Opinion:

1. THAT where a Sentence of Divorce in *Causa Savitia* is given, the Wife is at Liberty to live apart from her Husband, and ought to have Alimony, notwithstanding any Invitations or Instances made by the Husband, till she do of her own Accord return to cohabit with him. Or else, that the Court Christian do see Cause, upon new Allegations and Proofs, to compel her to return *ad Obsequia Conjugalium*; there being no other Court that can regularly (as we humbly conceive) compel a Wife to return, and consequently punish her for not returning, when a Wife is in Possession of a Sentence for a Separation, such a Sentence being irreversible by any other Authority than that of the Court Christian.

2. THAT there are some Sorts of Cruelty, which being alledged in Judgment and proved, and a Sentence of Divorce thereupon had, the Wife cannot by Law be compell'd, against her own good Liking, to return and cohabit with her Husband, tho' such Caution be offered as is beyond Exception.

3. THAT there are other Cruelties (so called) such as may be endured when they happen; and though they have been sometimes acted, yet a Change in the Husband may make it almost unreasonable to fear them in new Circumstances: There are likewise Sentences of Divorce sometimes submitted to by a tacit Consent of the Party. In these Cases, the Court Christian may call the Wife, and upon Causes alledged and proved, compel her, by Censures Ecclesiastical, to return and cohabit with her Husband, upon Caution given for her good Treatment.

4. THAT if this Plaintiff be really disposed to treat his Wife as he ought, and yet his Applications and Offers of Security be rejected by the Wife, his proper Remedy (as we humbly conceive) is, to institute an Action in the Court Christian, *pro restitutione Obsequiorum Conjugalium*, (as it is termed with us) against his Wife; and if the Court is satisfied, that the Husband has not by his former Cruelties rendered himself for ever incapable of demanding the Return of his Wife upon Security, but that she is unreasonably fearful, or undutifully averse, the Court (after due Consideration had) may, and ought to pronounce *pro restitutione Obsequiorum Conjugalium*; provided the Arrears of her Alimony (if any be) incurr'd before such Proceedings and Sentence, be first satisfied: And as such a Sentence will discharge the Husband of future Alimony, if any have been awarded by the Court Christian, so it will be (as we humbly conceive) a strong Plea before your Lordship, for the reversing of the Decree in Question. All which we submit with all Humility to your Lordship's great Wiſdom, and are, &c.

*G. Sweit.*

*L. Jenkins.*

**U**PON the Petition of Mr. *Pierrepoint*, Nephew to the Marquis of *Dorchester*, to have an extraordinary Commission to dissolve a Matrimonial Contract, whereby he was joined to a Minister's Daughter, by the Minister or Father himself, using the

Form of the Common Prayer, in an Alehouse, Mr. *Pierrepoint* being in Drink ; the Lord Keeper made the following Reference.

June 18. 1670.

I Desire Sir *Giles Sweet*, Dean of the Court of Arches, and Sir *Leoline Jenkins*, Judge of the Prerogative Court, to call before them the Petitioner's Council, touching the Legality and Conveniency of granting such a Commission as is desired ; and that they will afterwards please to let me know their Opinions, whether I ought to issue out such a Commission.

*Orl. Bridgman, L.S.*

*May it please your Lordship,*

HAVING heard Council for the Petitioner, we are not satisfied that it is legal, and convenient to proceed in the Cause deduced in this Petition, by such an extraordinary Commission as is desired. For we do humbly conceive, that there are proper and effectual Remedies to be had in the ordinary Course of Law, by way of promoting Articles against such as are chargeable with the Conspiracy and Inveigling therein alledged. And as to the Matrimonial Contract here in Question, the proper Ordinary of the Parties, and the Judicatures superiour to such Ordinary, ought to pronounce and determine upon the Validity or Nullity of it, and no other Court or Commissioners that we know of. All which we do with all Humility submit to your Lordship's Wisdom.

*G. Sweet.*

*L. Jenkins.*

*To the Right Hon. his Majesty's principal Commissioners for Prizes.*

MY LORDS,

*Doctors-Commons, May 13. 1665.*

I Have, in Obedience to your Lordships Order, examined six Witneses, and perused all the Ship Papers concerning the *Little Dorothy* of *Longsound* in *Normay*, laden with Timber, and bound, as 'tis alledged, for *London*. The Witneses and Papers do agree that the Ship is *Danish*, both for the Fabrick and Owners. The Lading (which is Deal and Timber) is positively sworn to be the Property, and upon the Account of *Norwegians* alone, and not of any Subject of the States whatsoever. But the Cocket from *Longsound*, doth neither specify to whom the Lading belongs, nor yet any Port to which it is consigned. The Reason of this Blind, by the Owner's Confession, is, that if this Fly-Boat had fallen into *Dutch* Hands, the Master might be at Liberty to sell the Lading in their Ports, and that it might not be discovered that they were bound for *London*.

BESIDES, one *Shorter*, an *English* Merchant of the *Normay* Trade, challenges the Goods, as having contracted for them before the Ship was seized on ; but so, I perceive, as not to be bound to make any Payment, in case the Goods had met with any Misadventure before their Arrival in this Port. And 'tis probable, there was such another Merchant apposed in *Holland*, to make the like Challenge there, that the Ship and Goods might with less Difficulty be gotten off, in case they had been brought into any of those Ports. However, the original Design of the Voyage is sworn to be for *London*, and this Fly-Boat not only to have traded constantly hither, (having been twice at *London*, and at *Lynn*, within these twelve months last past) but that this her Voyage was design'd to be in Confort with three Ships more, belonging to the same Owners, that happened to pass through without Stop to this Port. And the Account given of her, being in a strait Course for, and within five Leagues of the *Texel*, is, that she was forced to that Course by contrary Winds and foggy Weather.

I have, MY LORDS, interrogated Mr. *Shorter* apart from the rest, and he fully concurs with them ; but I have reserved the admitting of him to his Oath to your Lordships ; since a Person that is admitted to swear in his own Cause, has a Title to the Benefit of it, as of a full Supply to the rest of the Proofs, if he do clear the Point in Concurrence with them.

So that upon the whole, the Ship, the Goods, the Freighters, the Ports both of Lading and of Discharge, being all free, and there being no Incoherence in, or Objections against the Proofs, I do with all Humility submit it to your Lordships, as a Cause that hath not in it (in my poor Judgment) any sufficient Grounds of Condemnation : Provided that the *English* Merchant that claims, do upon Oath give a satisfactory Account of the Reality of his contracting for these Goods, and do expressly abjure all Collusion and Colouring for the *Dutch* ; and that withal it does appear, by his



his Reputation of Probity, and Course of Trade, that his Oath ought to be of Weight and Credit in Judgment. I am, &c.

*L. Jenkins.*

*To the Right Hon. the Lords Commissioners of Prizes.*

MY LORDS,

*Winchester, Sept. 23. 1665;*

I Have, in Obedience to your Lordships Commands, view'd the Papers and Depositions that are brought to the Admiralty, touching the Ship called *La Bergere*, alledged to belong to the *West-India* Company, now of late set up in *France*; but have not found among the Writings any *Dutch* Letters or Papers, tho' I find expresse Mention of such in the Depositions; which makes me suppose your Lordships have not transmitted those hither with the rest.

THERE is a great Number of Letters sent aboard this Ship by the *French*, that went from *Brest* to *Madagascar* the last Spring; for they found this Ship near *Cape de Vert*, as they put in for Refreshment there, and clos'd with that Conveniency of Writing, either to their Superiors, (the Directors of that Company) or to their Friends. Among all those Letters, I have not found one address'd to *Holland*, or writ in *Dutch*. All the Mention in them of the *Hollanders*, is by way of News; that they had taken not long before, (in *April*) the Fort in *Cape de Vert* from the *English*; and that they had put the *English* into an Island, where, 'twas thought, they were all perished. But the Writers do generally concur in this Apprehension, that this Ship was bound for *Havre de Grace*, or some Part of *Normandy*, and did belong to the *French West-India* Company.

THERE was also a great Parcel of Letters and Papers (which I examined as strictly as I could) from the Factors and others belonging to the said Company, to their Directors in *France*; giving an Account of their Trade and Affairs upon that Coast. In these Accounts (which are very voluminous) from the Intendant for the Company, and others, touching this Ship's Lading, I could not trace the least Traffick or Correspondence with the *Dutch*. And the Captain of the *St. John*, another Ship belonging to the Company, staying for his Lading in those Parts, acquaints his Superiours in *France*, that they are so jealous there of the *Dutch*, that a single *Hollander* was refused his Passage in this *Bergere*, for fear of Trouble if they should meet with the *English*.

BUT the Papers, MY LORDS, that are the essential Part of the Evidence, go much further in clearing the Ship. The *Congé* of *M. de Vendosme*, is a Commission both for War and Trade upon the Coast of *Guinea*, particularly *Senegal* and *Cape de Vert*, having his Broad Seal annexed to it. The Commission of the Directors for the *West-India* Company to this Captain, is under a fair and large Seal, appropriate to that Company, and under the Hands of several Chiefs among them, besides his Instructions sealed up with a lesser Seal. To this, if the Depositions of the Captain, Intendant, the Super-Cargo, and two more, be taken in, it makes as strong a Case as I have known for the Claimer.

IT appears indeed that the Ship is *Holland* built, nor is there any Thing in the Ship, or from the Witnesses, (otherwise than that the Captain swears it was bought in *Holland*, some Months before this Voyage, for the Account of the Company) that proves directly that the Property was transferr'd by Sale to the *French*. Yet in the Captain's Instructions, he is order'd to comport himself with all Respect and Deference to his Majesty's Men of War, in case he should be seized by them, by reason of his *Holland* Bottom, and to show, upon such an Occasion, the Admiral's *Congé*, and his Commission, which they thought sufficient to clear his Ship.

THE Account which the Intendant gives upon Oath, of the *Dutch* Pacquets found aboard is, that they were sent from a *Dutch* Plantation, upon some Knowledge they had of the Ship's Departure from *France*; but he (tho' willing to do the *Dutch* Merchants the Civility of this Conveyance) positively abjures the receiving of any Goods, or the having of any Commerce with the People.

THE Captain that took this Ship, MY LORDS, makes Affidavit, that the Master denied he had any Bills of Lading aboard; which yet were found in his Coffers. The Intendant says, the Bills of Lading were had out of his Coffers, not the Captain's; and that there was no Refusal (if he were rightly understood) in the Case. 'Tis true, that by his Majesty's Ordinances, the concealing of Ship Papers is made fatal: But, on the other Side, it is reasonable that the Words and Circumstances of the Demand, and the Denial following, be made out more explicitly and solemnly, than it is by the single Affidavit sent into the Admiralty.

BUT, MY LORDS, if his Majesty should be graciously inclined not to insist upon the Letter of that Ordinance, I do humbly conceive, that there is nothing in the Tenor of the Ship Papers and Depositions, that can affect either Ship or Goods with a further



ther Excussion; but that unless the Captain, the Intendant, and the Factor, do extremely prevaricate with their Oaths here, and with their Instructions, the Property of the Ship and Goods is altogether in the said *West-India* Company, and none at all in the *Hollanders*. I am, &c.

L. Jenkins.

*To the Right Hon. the Lords Commissioners of Prizes.*

MY LORDS,

March 1. 1665.

I Have, in Obedience to your Lordships Order, perused the Papers of the *Pearl* of *Ostend*. In the Depositions, there is one Thing that is unavoidably fatal; four of the Ship's Company (the Steersman, Gunner, Cook, and another) are positively sworn to be Subjects of the States, born in their Dominions, and the Ship, by the Passes, and M. de Cassel Rodrigo's Sea-brief, to have belong'd to *Ostend* for these two Years last past. Touching the Cargo, there is no Account at all of its Property by any Letters of Advice or Documents. The Bills of Lading are in the Names of *Flemish* Merchants, as Laders; and *Spaniards* in *Bilboa*, as Consignatories; and upon their Account and Risque, being about 26 Merchants that seem to be concerned in the whole. The Skipper and all the Company say, the present Lading (which is mostly Pepper) was taken in, partly from off the Key at *Ostend*, partly out of Bylanders; but none of them speak out, whence the Bylanders came. Some say (six being examined) they came from *Bruges*, as they have heard say; only the Steersman says, he believes the Spices were brought lately from *Holland* to *Ostend*. Here is no Charter-Party in the Case; nor none of those ample Attestations and Declarations upon Oath, that the *Flemings* used to be furnished with, when the Concern is *bonâ fide* their own. And 'tis utterly improbable, that Free Merchants would suffer a Number of unfree Persons to be aboard, to the manifest Hazard of so considerable a Lading. For 'tis obvious by their usual Precautions, that they are no Strangers to our Proceedings in the Admiralty. Nay, the Skipper, for his clearer Conviction, had his Majesty's Declaration of the 22<sup>d</sup> of *February*, 1664. found on board among his Papers. I am, &c.

L. Jenkins.

*To the Right Hon. the Lords Commissioners of Prizes.*

MY LORDS,

Admiralty, Mar. 8. 1665.

C. Content, Master of the Ship *Sancta Maria*, (which your Lordships have commanded me to inspect) hath made Oath before the Magistrates of *Bruges*, that his Ship belongs to Messieurs *de la Valette* of that City; two of his Company swear the same upon hearsay; and 'tis affirmed by him that solicits the Cause, that further Proof, if needful, will be made of what the Master has sworn, by Merchants of this City.

THE 300 Barrels of Salmon consign'd from *Bruges* to *New-haven*, under the borrow'd Name of *de la Valette*, are so fully and clearly made out (by the Letters missive, the Copies whereof Mr. Jackson a Merchant, that solicits this Cause, shew'd me in his Book of Entries; and also by the Letters responsive, whereof he produced half a Score in their Originals) to belong in Property to his Majesty's Subjects, that I am not capable of a greater Conviction, than that which the Coherence of so many Papers (which concern several other Businesses besides this) does give me; the Particulars whereof would be too long to deduce to your Lordships.

THE *Ascension*, MY LORDS, was upon hearing of both Sides decreed upon Bail, because there were Attestations, that the Parties interess'd had made Oath before their Magistrates of their Property, there being likewise Bills of Lading, answering those on Shipboard, produced in Court. Yet in regard of the Presumption that lay against some Part of that Lading, it was not thought fit the Court should absolutely discharge the Claim, considering especially that the Parties own Oath makes not half a Proof (to speak strictly) at the best; and that Attestations are often surreptitiously obtained beyond the Seas. The Sale of the Goods being on the other Side protested against by the Claimers, as an irreparable Grievance, in Regard it would turn to no Account; I chose therefore to make them give Bail to the full Value, they undertaking, and are now ready, as they tell me, to go to Sentence, and to make out their Proof in a very short Time. I am, &c.

L. Jenkins.

*To His Majesty in Council.**May it please your Majesty,**Dec. 5. 1665.*

[ Have, in Obedience to your Majesty's most gracious Command, signified unto me in the Order annex'd, heard what is alledg'd on both Sides in the Business of the *St. Anne* of *Ostend*, which was brought in to *Dover* by a *Portugal* Privateer; and now I lay at your Majesty's Feet the best Account I can of the whole Matter.

1. It is agreed on both Sides, that this Privateer was a little Shallop set out in your Majesty's Port of *Dover*, and that the major Part of the Company that mann'd her, were your Majesty's Subjects, *Englishmen*.

2. It is agreed that *Peter de Bills*, the Fitter out, was not on Board, nor yet the Original Commission by which he acted, when the *Ostender* was taken. There was only a Transcript of the King of *Portugal's* Commission to *de Bills*, translated into *French*, and attested for a true Translation under the Hand and Seal of the *French* Consul at *Lisbon*; in the Bottom of which Transcript, *de Bills*, by way of Apostil under his Hand and Seal, impowers one *B. J. Govenor*, a *Dunkirker*, to command the Shallop now in Question, and to act against the Enemies of his Commission.

3. THE Commission it self bears Date in the Year 1658, but is since revived, viz. in *April* last, under the King of *Portugal's* Hand. *De Bills* is by it empower'd to arm and set out a Ship, and other Vessels, (*Os Barcos*, in the Original) which shall be necessary for him against the *Castilians* and *Moors*. By the Orders of *Portugal*, the Privateers have Leave to arm in any Port or Kingdom, as shall be convenient for them; and they are to bring such Prizes as they shall take into *Portugal*, to be there judged: Which Particulars the Taker alledges as material to his Justification in this Cause.

4. THE Place where this *Ostender* was taken, is not precisely agreed on; one of the Takers swears, the Capture was off against *Calais*; those that were taken say, it was four Leagues West of *Dover*, about two *Dutch* Leagues off the *English* Shore. Yet this (tho' it should be true) does not, as I humbly conceive, bring them within one of your Majesty's Chambers, I mean, within the Line (a strait one being drawn) from the *South-Foreland* to *Dungeness* Point.

5. It was sworn by two *Englishmen*, who were aboard the *St. Anne*, and nothing concerned, for ought I perceive, in the Goods in Question, that this Shallop hal'd them in *English*; that upon Answer made that the *St. Anne* was from *Ostend*, and bound for *Portsmouth*, and had been already hal'd and dismiss'd by the *Lenox* Frigate, the Reply out of the Shallop was, that notwithstanding all this, they must board them, otherwise they would shoot; having Orders, as they said, to bring all Vessels into *Dover*. To this the Master of the *St. Anne* adds upon Oath, that he obey'd meekly out of Reverence to your Majesty's Name and Authority, that was pretended; this happening in the Dark about ten at Night. That he had no Apprehensions of a *Portugal* Commission, and that he was upon Terms good enough to make Resistance. That the Shallop had set out of *Dover* but at six that Evening, and that upon Discovery (as he believes) of his Vessel. That the *Portugal* Commission was neither shew'd, nor mentioned unto him, or to any of his Company, till after his coming on Shoar at *Dover*. But for these Particulars, I have no more but the Master's single Oath.

6. It appears on the Taker's Behalf, that he, *Govenor*, finding 8 Horses, said to belong to his Royal Highness the Duke of *York*, on Board this *Ostender*, sent to the Governour of *Dover*, to let him know he would land the Horses in that Port, if he might have Liberty to go off again for *Portugal* with his Prize: This being accorded to him by the Governour, before he could land the Horses and get off again, the whole Cargo was arrested and claimed, as belonging to *French* Merchants; which was, I suppose, by way of Colour only, in order to evade and defeat the *Portugal* Commission. The Matter, it seems, being heard at the Admiralty Court of *Dover*, and the Dispute proving to be, (if I understand it rightly) not about the Validity of the Commission, or the Manner of the Capture, but about the Property of the Cargo, which was pretended to be in *Frenchmen*, the Cause was dismiss'd to the proper Place of Judicature, and *Govenor* set at Liberty with his Prize. But he breaking Bulk, was seized again by the Officers of the Customs, which gave this second Opportunity to the *Ostender*, to attempt the Recovering of this Ship and Goods.

So that upon this whole Matter of Fact, there do arise two Questions. The one, whether the Commission whereby this *Ostender* was taken, is a good Commission? The other, whether this Capture was not a Violence to that Protection and Safeguard, which your Majesty's Authority affords unto Strangers, coming upon their lawful Occasions towards any of your Majesty's Harbours or Ports?

As

As to the Commission; 'tis true his Majesty of *Portugal* is not obliged, in granting out Commissions, to take his Measures from the *English*, or any other Foreign Style; yet the general Law determines all Commissions (most especially such as this is) to be *stricti Juris*, and not to be further extended, either by Inferences or Deductions, than the express Words do naturally import. So that whatever the Meaning of that Clause be, *viz.* that *de Bills* may set out a Man of War, and what other Vessels shall be necessary for him, (as if he might have several Vessels at Sea at one and the same Time, and yet himself and his Commission can be but in one of them) it cannot be said that he hath Liberty to substitute or depute another to act in his Place, since there is no such Power of Deputation given him by his Commission: Much less can a Copy or a Translation be authentick, when there is no Clause providing to that Effect in the Original; especially in this Case, which is as little favourable as can be in the Eye of the Law.

THE second Question is, as I humbly conceive, best resolved out of a Declaration, which your Majesty's Grandfather of blessed Memory published in the Year 1604, in Reference to these Hostilities, in these Words:

" O U R Pleasure is, that within Our Ports, Havens, Roads, Creeks, or other Places of Our Dominion, or so near to any of Our said Ports or Havens, as may be reasonably construed to be within that Title, Limit, or Precinct, there shall be no Force, Violence, or Surprize, or Offence suffered to be done, either from Man of War, or from Man of War to Merchant, &c. but that all, of what Nation soever, so long as they shall be within those Our Ports and Places of jurisdiction, or where Our Officers may prohibit Violence, shall be understood to be under Our Protection, and to be order'd by Course of Justice, &c. And that Our Officers and Subjects shall prohibit, as much as in them lies, all hovering of Men of War, &c. so near the Entry of any of our Havens or Coasts; and that they shall receive and succour all Merchants and others, that shall fall within the Danger of any such as shall await our Coasts, in so near Places, to the Hindrance of Trade to and from Our Kingdoms."

So that, considering this *Shallop* set out of your Majesty's Port, where it hovered for Prey, since it was mann'd for the most Part with your Majesty's Subjects, contrary to the Meaning of the 4<sup>th</sup> and 6<sup>th</sup> Article of the Treaty with *Spain*, made in the Year 1630; since the Surprisal was made in the Night, not by Force of Arms, but by abusing your Majesty's Name and Authority; since the true Commission was neither pretended, shewed, nor indeed on Board at the Time of the Capture; I am of Opinion, that the Capture was unduly made, and that the *Offender* ought to have his Ship and Goods restored to him; and that the Commander in the *Shallop*, and the *English* on Board, deserve to be punish'd. All which I do with all Humility submit to your Majesty's Royal Wisdom.

L. Jenkins.

To the Right Hon. the Lords Commissioners of Prizes.

MY LORDS,

April 29. 1666.

THE *St. Peter of Bruges* is but newly brought up into this Port, and very few of the Ship Papers are yet come to Hand, so that my Account of it at present must be very imperfect: But as to M. *d'Ognati's* Memorial, I must crave Leave to observe unto your Lordship, that he is not rightly informed of our Proceedings in the Admiralty. For tho' 'tis observed in the Memorial, that Attestations from *Flanders* are not admitted as sufficient, the contrary will be witnessed by very many Persons of that Country, who always found that Attestations under Publick Seals, have had their proper Weight and due Regard in this Court. Yet 'tis not unknown, that Attestations are too often pass'd without that due Inspection and Solemnity as is requisite. Besides, when the Presumptions are so strong against the Claimer, as to oblige him to make a full Proof of his Property before he be dismiss'd, I am with Submission of Opinion, that the Law of *Flanders*, as well as in *England*, will not allow an Attestation alone to be a sufficient Proof; since it amounts to no more than a Man's Oath in his own Cause. I am, &c.

L. Jenkins.

*To the Lords Commissioners of Prizes.*

MY LORDS,

*Admiralty, May 9. 1666.*

THE St. John Baptift of *Hamburg*, (whereof I am, in Obedience to your Lordships Order, to give an Account) is a Ship in Ballast bound thence for *Bourdeaux*. The concurrent Testimony of the Master upon Oath, and of the Papers on Board, do evidence her to belong to *Hamburgers*. And for further Conviction, there is an Attestation under Sir *W. Swan*'s Hand and Seal, that the present Freighter had made Oath before him, the 27<sup>th</sup> of *March* last, that this Ship and Voyage, for to take in a Lading of Wine, was upon some *Hamburgers* Account.

I must here, MY LORDS, most humbly crave Leave to observe unto your Lordships, that in the present Misunderstanding between the Sub-Commissioners of *London* and those of *Dover*, the Jurisdiction of the Admiralty suffers much: What the Pretensions of the one, or of the other are, I shall not now touch upon, or undertake in the least to determine. 'Tis not to be questioned, but that the Sub-Commissioners under your Lordships, have a Right to see to the Execution of the Decrees of this Court; and if there be any Decree unduly obtained, and suddenly or surreptitiously to be executed, they may use what Means are most effectual upon the sudden, to prevent or stop the Execution of it; and as Time will serve, to acquaint the Admiralty with the Case, and to move for the Revocation of the Decree, which the Court cannot but do upon better Information.

WHEREAS if the Sub-Commissioners oppose their Interest with your Lordships, without any Decree of Court, to an Order of Court directed to your Lordships, and do prevail, not by reversing the Decree in Court, which is the regular Way, but by their extrajudicial Power, the Seal of the Court becomes despicable. And 'tis with much of Regret, that I observe to your Lordships, that a Person in chief Command at *Dover* has (as I am inform'd) said, that he as little valued or heeded a Decree of this Court, as he should an Order from the King of *France* his Hangman, or to that Effect. Which I do most humbly submit to your Lordships Animadversion. I am, &c.

*L. Jenkins.**To the Lords Commissioners of the Prizes.*

MY LORDS,

*Westminster, Sept. 17. 1666.*

THE St. George of *Hamburg*, was taken between three or four Leagues off the *Olie*, plying in a contrary Wind, as the Master deposes, her Course from *Hamburg* to *Rouen*; being brought into *Harwich*, I do not find that any of her Company was examined, which is an Omission, your Lordships, I doubt not, will think worth preventing for the future. The Master, who alone is come up hither, I have caused to be examin'd. He swears that the Ship and Lading do entirely belong to *Hamburg*; that this Ship has not been in *Holland* these 9 Years; that his Papers are all true, and his Company all free. His Sea-brief makes likewise 9 Burghers of *Hamburg* to be Owners of this Ship; and I find her upon the first List, which that City gave in to his Majesty upon Occasion of this War. The Bills of Lading found on Board are 35 in all, and there are Attestations of the Oaths, which the respective Proprietors have made before their Magistrates, corresponding exactly with the several Particulars in the Bills of Lading; which Attestations are more of Weight and Credit, in that they were obtained before the setting out of this Ship. The Cargo is Lead, Wool, Steel, Wyer, and Copper-Ware; and they are not only *Hamburgers* (as the Master it seems apprehended) that are the Laders of this Ship, but there are others of *Breslaw*, *Bremen*, *Antwerp*, and *Dantzic*, that are made in the Attestations, Proprietors of several Parcels of this Lading.

UPON Occasion of these Attestations, I shall crave leave to offer unto your Lordships what has fallen not long since under my Observation. Those *Hamburgers* (as there are some) who favour the *English* Trade, make no Difficulty (in Order to obtain the Attestations in common Form) to swear, that those very Goods, which *Englishmen* do buy in *Hamburg* with their own Money, and which are to be deliver'd here in *England*, upon the proper and sole Account of *Englishmen*, as soon as they come to safe Port, do belong to the Laders, i. e. *Hamburgers*; and that no other Person can, or ought to pretend to any Interest in them. The Way that they save this Case of Conscience (as I have seen them explain themselves in their Letters) is, by taking the Risque of the Goods upon themselves, while the Goods are at Sea and in Danger of the Enemy. And for so doing, they have so much *per Cent.* yet this Risque

of theirs is so limited, that as it Respects no other Danger of the Sea, but that from the Enemies of this Crown; so they are bound no more, but to use their utmost Endeavours and Interests to make out a Claim, the Loss being the *Englishman's*, if the Sentence should, by violent and exorbitant Proceedings, go against the *Hamburgher*.

It is not improbable but that the *Dutch* and the *French* have likewise such Friends at *Hamburgh*, as will lend them their Names, and their Consciences too, upon the like Terms. But the sure Way to obviate the Fraud of such mental Reservations and Equivocations (for against downright Perjury there is no Fence, as long as Oaths are, and there must be something or other decisive in Judgment) would be, as I do with all Submission possible to your Lordships conceive, that the Senate would please to order all Deponents to be interrogated in such a Form, as the King's Proctor shall send hence to the Deputies for taking these Oaths; or else that such Laders as desire a Benefit here from Attestations, should satisfy his Majesty's Minister in that Town, touching their respective Properties. Yet I must not deny, that this amounts to little more than what is already done, if I be truly informed by the Secretary of the *Hamburgh* Agent, for letting him know, that I desired to learn from his Masters, what the Solemnity and Circumspection was, which the Deputies use at *Hamburgh*, before they grant their Attestation under Seal; he writes unto me, that every Man that obtains that Attestation, swears explicitly, that none in Enmity with the King of *Great Britain*, has any Interest in the Goods, touching which he makes Oath.

AMONG the Laders, MY LORDS, I found two Names which I guessed to be *French*, and the Secretary who solicits this Business, could not but acknowledge the Persons (*Du Prié* and *Heron*) to be *Frenchmen* born. But the *Salvo* that he and the Skipper gave me upon Oath is, that *Du Prié* has lived in *Hamburgh* with his Wife and Family for above these 20 Years; and that the other has lived there likewise these 8 Years: Which regularly is sufficient in Law to excuse him, as I humbly conceive, from being subjected to the same Reprisals with the rest of his Countrymen: The *Hamburghers* at least do conceive so, for this Skipper swears, that he refused to take in *Heron's* Goods, till the Senate sent a Publick Officer to let him know, that he was to trade for him as freely, as for any Burgher of their City. If this be true, 'tis a strong Presumption that the rest of the Laders are, as their Attestations speak them to be, in *bona fide*. I am, &c.

L. Jenkins.

### To the Lords Commissioners of Prizes.

MY LORDS,

Westminster, Sept. 27. 1666.

THE *Yellow Sun* of *Riga*, Peter Paterson Master, was brought in at *Falmouth* the 28<sup>th</sup> of July last by two Privateers. The Depositions taken there in *Preparatorio*, make the Case very strong for the Captors; for several of the Company are confess'd to be unfree Persons, there is Mention of Papers hidden in the Bed-Sack, the Master is sworn to have instructed his Company to say, the Ship belonged to *Riga*, and not to *Holland*; as also to speak *Swedish*, in order to escape the *English*; and that the Ship it self came now from *Amsterdam*, where she was fitted for the present Voyage, (which is to *Rochel*) and whither she brought in and sold her last Cargo.

BUT in Regard there may be such just Exceptions made against the Depositions, as shall give Cause to lay them wholly aside, I have caused the Master to be re-examined in the Admiralty. The Exceptions, MY LORDS, are, that he and his Steersman were inhumanely tortured by Captain *Manning's* Men, and other barbarous Cruelties acted upon them, in order to extort such Confessions from them, as might be advantageous to these Takers. The Marks of his Cruelty were very fresh and visible, when the Skipper made Oath of what he had suffer'd; there being Merchants present of Reputation, who made Oath, that the Skipper, upon his first coming to Town, made his Complaints, and shew'd his Wounds, being yet raw, unto them.

UPON this Information, I could do no less than decree an Attachment against Capt. *Manning* and his Steersman, who acted this Cruelty; as also against the Interpreter, who assisted at the taking of the Depositions; the Skipper being made to say and subscribe in them, that since his Capture the Captain had treated him very friendly, like a Brother, and did him no Prejudice at all. What Effect, MY LORDS, this Decree will have, Time must shew: However, I hope my Lord High Admiral will not suffer such Offences to go unpunish'd; all the Power and Malice of the Enemy being not able to fasten so great a Blemish upon the Justice and Reputation of his Majesty's Arms, as these Men do under the Notion of Friends, and in cold Blood.

THAT which the Master upon our Examination deposes is, that his Owners are Merchants and Magistrates of *Riga*, and that none of the King's Enemies hath, or ever

ever had any Interest in this Ship, which is now in Ballast, bound from *Amsterdam* to *Rochel*. That in *June* last he sail'd from *Riga* to *Rochel*, to load Salt for his Owners, to be carried to *Riga*; but being driven before the Wind into the *Texel*, he was forc'd to unlade, and sell his Salt, to repair his Ship that was leaky. That having repaired his Ship, he set out thence by Order of his Owners for *Rochel*, to load Salt again, to be carried thence to *Riga*; but was taken by these Privateers in his Course to *Rochel*. That he is a Native of *Holland*, but has lived these 4 Years with his Wife and Family at *Riga*, and is a Subject of the King of *Sweden*, and his Company are *Swedes*, excepting his Steerman and Carpenter, whom he confesses to be *Hollanders*.

AMONG his Papers there is a general Pass (not in the Form of the Treaty) from the Governour of *Livonia*, for this Ship to trade into all free Places. There is likewise an Attestation from *Riga*, that the Owners had made Oath of their Property, dated in *March* last. There is likewise a Letter dated the 20<sup>th</sup> of *July*, from the Factor of these Owners to his Correspondent at *Rochel*, wherein he desires him to load this Ship with Salt from *Riga*, for the Owners Account, and promises him Payment of such Bills as he, this Lader, should, upon that Account, draw upon him, being at *Amsterdam*.

Thus I have given your Lordships an Account of the Pretensions of the one Side, and of the other, as minutely as I can; in Regard this Business is devolved to your Lordships from his Majesty in Council. But I do suppose the Privateer will insist upon the Title he has to a legal Trial, which, as I humbly conceive, cannot be denied him. I am, &c.

L. Jenkins.

*To the Lords Commissioners of Prizes.*

MY LORDS,

Admiralty, Feb. 11. 1666.

THE Ship *Stetin*, brought into *Harwich*, had no other Papers on Board, as the Master deposes, but a Sea-brief from the *Swedish* Vice-Governour in *Pomerania*, dated 29<sup>th</sup> of *October* last. This Sea-brief wants that Form prescribed in the Treaty, and specifies not either the Kinds, or the Quantities of the Goods laden, or to be laden in this Ship; only, that the Owners (who are six Burghers of *Stetin* therein named) had made Oath of their Property in the Ship, and that she was bound to Places not prohibited; that the Master is a Subject of *Sweden*, and that the Goods already laden, and to be laden in her, are not contraband, and do truly and really belong to *Swedish* Subjects.

THE Master, MY LORDS, in the Account which he gives upon Oath, agrees with the Pass; and adds, that about three Months since there was a Cargo of Rye laden in this Ship at *Riga*, the one Moiety upon the Account of a *Stetiner*, the other Moiety upon the Account of the Ship's Owners. This Cargo being delivered at *Amsterdam*, to the Factor of these Laders, to be sold there, the Factor laded her again with Deals, (the present Lading) for the Account of one *J. Broum* of *Ostend*, but in his Way thither was seized. The Master deposes further, that the Lader of the Deals at *Amsterdam* told him, *Broum* (the Consignatory at *Ostend*) purposed to send him from *Ostend* to *London* with these Deals, but that the Bill of Lading he signed was for *Ostend*, and no further: And that he signed no other, nor brought he this Bill on Shipboard.

THERE IS NO other Person, MY LORDS, examined of the Company upon Oath, so that the Credit of what he says, has at the most but a double Presumption, slender enough to back it: The one, that these Deals may possibly be the Proceed of the Rye brought to *Amsterdam* from *Riga*; the other, that those who gave him the Sea-brief, and certified that *Bona imposita* or *imponenda*, did appear unto them — *post exactam Examinationem* (for so the Sea-brief runs) to be of *Swedish* Property, had an Account given them of this whole Design. But how far these Conjectures (Proof it is not, as I humbly conceive) to clear Goods that come out of an Enemies Country, ought to weigh with your Lordships, I shall not presume to determine.

MY LORDS, this Master and Steerman were examined at *Harwich*, but very inartificially, and not at all upon Oath; which makes me humbly desire your Lordships to remedy that Defect: For (as I have often taken the Liberty to observe unto your Lordships) there is no Port in *England* that hath so many Prizes sent into it at *Harwich* has; yet in very many Cases there come neither Papers nor Depositions thence to this Court, which is a very great Delay and Hindrance to his Majesty's Service; since the Court cannot determine a Property (tho' it may make provisional Orders) without some kind of Evidence in whom the Possession was at the Time of the Seizure. I am, &c.

L. Jenkins.

To the KING, and the Lords of His Majesty's most Honourable Privy Council.

May it please your Majesty,

**TOUCHING** the *Biscay* Prize, lately taken by a *Portugal* Frigate, there are three Questions: The first in Matter of Fact, the other two in Point of Law, or rather of State. The Question upon the Fact is, whether this Prize was taken sailing within those Recesses, which are commonly called your Majesty's Chambers.

THE Master that was taken says, (upon Oath) that coming on his Course from *London*, where he was laden for *Bilboa*, arrived, the Evening before he was taken, on the South Part of the Isle of *Wight*, about half a League from the Shore; that he steer'd his Course thence *West* and quarter to the *South West*, the Wind being *East*, in order to stand as near *Portland* as he could, and so on to *Dartmouth*, still keeping to the *English* Coast for fear of the *Dutch*; and that he was taken, having made about 8 or 9 Leagues forward in this Course, when he was about 4 Leagues off from the *English* Coast.

THE Taker, on the other Side, and one more of his Ship's Company, do swear, that they were 10 or 12 Leagues off the *English* Shore when they took this Prize; but all agree the Seizure was in misty Weather, which allowed them no Prospect.

HERE the Advantage in this Variation seems to be on the *Portuguese* Side: For, 1. It cannot be evinced by the Account which the Merchantman gives, (supposing it to be true) that the Seizure was precisely in your Majesty's Chamber. For the Chamber in Question being bounded with a strait Line drawn from *Dunemore* in the Isle of *Wight* to *Portland*, (according to the Account given of it to the Admiralty-Court in the Year 1604.) it grows very narrow *Westward*, and is scarce in any Place 4 Leagues broad, I mean, from any Point of this imaginary Line to the opposite *English* Shore. Whence it would be inferr'd, that this Man must needs be taken, either altogether without the Line, or else much nearer unto the Shore than he apprehended he was.

2. THE Business being to be decided by Oaths, here are already two *Portuguese* against one *Biscainer*: And the Captain has 6 or 7 score more of his Company, who are ready (as he says) to affirm, as he hath done, that the Capture was at least ten Leagues off the *English* Shore; and consequently all that the *Biscainers* can say of their being seized within your Majesty's Chambers, will be outweighed by the Number; since there doth not appear any Difference to be made in their Credit.

HOWEVER the Truth be as to the Chamber, 'tis certain the Seizure was made in your Majesty's Seas: But so it is, that notwithstanding your Majesty's undoubted Right of Dominion and Protection in these Seas, Strangers do hold themselves, if not permitted, yet excused for such Hostilities, when they are acted at a due Distance from your Majesty's Ports, Harbours, and Chambers; grounding themselves upon what was done and observed in that long War between *Spain* and the *Netherlands*.

THE Question in Law is, whether this *Biscainer*, being brought into your Majesty's Port, ought not, upon the Account of your Majesty's being in Amity with the Catholick King, to be rescued from under the Power and Force of his Enemy, and *Jure postliminii* to be restored to his own?

THE Law of Nations, as 'tis this Day observed, seems not to pass any Obligation upon your Majesty, to impart your Royal Protection unto one Friend, to the Prejudice of another. This Captain being *Jure belli* (which is a very legal Title) in full and quiet Possession of his Prize, (and so he was for a Fortnight together at *Portsmouth*, before he was discovered) will take it for an Act of Partiality, to have it now wrested out of his Hands, and given to his Enemies: Whereas no Man's Condition is to be made worse than another's, in a Place that is reputed of common Security upon the Publick Faith.

BESIDES, the *French* Ordinances do expressly provide, that Leave be given to all Strangers to depart those Ports with such Prizes as they happen to bring in. 'Tis the Practice of *Spain* at this Day, and of all other Ports that I can learn any Thing of in Cases of Neutrality.

THE last Question is, (for I do not find any Thing material made out against the Validity of the *Portuguese* Commission) in the Case of your Majesty's Subjects, Sir *Arthur Ingram* and the *Canary* Company, to whom a third Part of the Lading belongs, whether their Goods shall be Prize in this *Spanish* Bottom?

'TIS certain they are relievable upon the general Law; and whatever became of the *Biscainer*, the *English* Goods might, and ought to be taken out, and restored to the Owners. But there is a Treaty with *Portugal* made in the late Usurper's Time, ratified



fied by your Majesty, which seems to supersede that Law, and to make the *English* Goods a lawful Prize to the Taker. But I am taught, that your Majesty's Treaties with Foreign Nations are not to be any Part of our Speculation or Debate in the Court of Admiralty, but to be interpreted by your Majesty's own Royal Judgment, with the Advice of your most Honourable Privy Council.

*L. Jenkins:*

*To the KING;*

*May it please your Majesty,*

*Jan. 5. 1679-80.*

**H**AVING received your Majesty's gracious Pleasure, that I should enquire into the Matter, complained of in the Memorial of the Ambassador of the States General, hereto annexed, and report the State of it to your Majesty, together with my humble Opinion what is fit to be done in it; I writ into *Ireland* about it, and on *Saturday* last had an Account from the Judge of your Majesty's Court of Admiralty at *Dublin*, and from his Register, which agrees in Substance, as to the Matter of Fact, with what is suggested in the said Memorial.

THE Case is thus: A *French* Privateer, in the Month of *July* 1677, took a *Dutch* Vessel, called the *Salmon of Edam*, as it was returning from the Whale Fishing, and brought her into the Port of *Tonghall* in *Ireland*; all her Men having, it seems, forsaken her, and saved themselves, being not far from the Fishing Coast, in the Long Boat, before the Privateer seized her. The Privateer having brought her into *Ireland*, sold her Lading, which is said to be the Product of 4 Whales, and afterwards sold the Ship it self to one *Galway*, a Merchant of *Tonghall*, who hath since been at Charges to repair the Ship, and had laded her for a Voyage, but the Voyage did not hold; and the Ship hath been ever since in *Tonghall* Port.

THE Privateer, it seems, to give a better Colour to his Sale, pray'd the Aid of the Court of Admiralty in *Ireland*, and obtaining Proceedings there against the Ship, it was condemn'd to the Most Christian King; there being no Party that appeared in Judgment to claim the Ship, or that took Exceptions to the Proceedings of the Court.

AFTER Condemnation, and Sale made of the Ship and Lading, the Owners in *Holland* coming to have Notice the Ship was bought up, gave Order to an Agent of theirs to claim her; upon which some Proceedings were begun in the Admiralty, in order to get her restored; but the Agent ceased Proceedings there, and applied himself to his Grace the Lord Lieutenant, and to your Majesty's Privy Council of *Ireland*, where the Cause, as I am informed, stands for Hearing the first Council Day.

HIS Excellency the Ambassador Extraordinary of the States General, in his Memorial, lays a Stress in this Case upon two Points in the Behalf of the Claimer.

THE one is, that at the Time that the Privateer took this Whale Fisher, there was a Cessation of Hostilities agreed between the Most Christian King and the States General, limited to the Liberty and Security of the Fisheries on both Sides; and consequently that the taking of this Ship, tho' by an Enemy, was illegal and void.

ANOTHER Thing is, that the Proceedings had in the Admiralty, and the Sale made within your Majesty's Dominions of the Ship and Goods, is directly contrary to your Majesty's Treaty at *Breda* in the Year 1667, with the States General, in the 21<sup>st</sup> Article of which Treaty it is provided to this Effect:

“ THAT it shall not be lawful for any Foreign private Men of War, who are  
 “ not Subjects to your Majesty, or to the States General, having Commission from  
 “ any other Prince or State, to equip their Ships, nor to sell or set at Ransom such  
 “ Prizes as they may have taken, nor in any other Way to truck or exchange their  
 “ Ships, Merchandizes, or any other Sort of Lading whatsoever, in any the Ports  
 “ either of your Majesty, or of the States General. Nor for such private Men of  
 “ War to buy themselves so much as Victuals in such neuter Ports, other than  
 “ what shall be necessary to bring them to the next Port of that Prince, from  
 “ whom they have their Commissions; and if perchance any of your Majesty's Sub-  
 “ jects shall, by Exchange, or any other Way, buy or get any Ship or Goods, that  
 “ shall have been taken from the Subjects of the States, in that case such Subject shall  
 “ be bound to restore them to the Proprietors of the same without Delay; and  
 “ without any Compensation or Reimbursement of the Money either paid or pro-  
 “ mised for such Ship or Goods; provided that Proof be made before your Majesty's  
 “ Council, that the Claimers are right Owners and Proprietors of what they shall  
 “ so claim.”

Thus the 21<sup>st</sup> Article; and the Obligation is in the same Terms reciprocal upon the States General.

As to the first of these Points, which is the Cessation of Hostilities between *France* and the United Provinces, I do not, under Correction, see, that it is a Thing that  
 your



your Majesty's Subjects are under any Obligation to be acquainted with, or to govern themselves by, it being a Thing whereunto your Majesty was no Party ; and consequently, that alters not the Case of your Majesty's Subjects in their Commerce, (where it is otherwise legal) either with *French* or *Dutch*.

BUT as to the 21<sup>st</sup> Article of the Treaty of *Breda*, I do humbly conceive it is otherwise, and all your Majesty's Subjects are bound to take Notice of it, and are concluded by it: And it was therefore an Error to lend, or interpose your Majesty's Authority in a Judicial Way to the condemning of this Ship ; so it was to buy either the Ship or the Lading of it, either before or after Sentence of Condemnation : For this is clearly forbidden by the express Disposition of this Article. Besides, such Proceedings are contrary to a fundamental Maxim of Neutrality ; for a neuter Prince being in Peace when his Neighbours are at War, ought not to make the Condition of one Neighbour better than that of another ; as here the *Frenchman* has the Help and Benefit of a Court of Law, and an open free Market for his Prize ; which is as great a Privilege as any of your Majesty's Subjects might have pretended to under your Majesty's own Commission, and in your own Service and just Wars. The Article is express how far our Commerce is allowed with those who sail under Foreign Commissions of War : It is, to let them have for their Money, what Provisions are necessary to bring them to the first Port of those they serve under ; and we can legally do no more.

UPON the whole, I cannot but say (yet it is with perfect Submission to better Judgments) that this Claimer hath a Right to demand and insist, that the Sentence whereby his Ship was condemned, be reversed ; and that the Ship it self, and all the Lading that can be found out, be restored to him. For the reversing of the Sentence, I humbly conceive it may be legally done. But how the Purchaser may be by due Course of Law outed of his present Possession, I do not see ; for 'tis more than probable, the Bargain was made between the Buyer and the Privateer on the Land ; and consequently, the Cognizance of the Validity of it will be prohibited to the Admiralty ; and if a Verdict at Common Law should find this Sale to be a good Sale, and to have well transferr'd the Property to the Buyer, this Claimer would be without Remedy ; yet the Inexecution of the Treaty would in this Point be reputed by the *Hollander* a Breach of it on our Side, and may be, for ought I know, run up as high as to Reprisals against us. But these mischievous Consequences his Grace my Lord Lieutenant, by his high Wisdom, will be able, as soon as he is informed of all Particulars, to prevent, and procure Satisfaction to the Claimer. All which I submit to your Majesty's Royal Wisdom.

*L. Jenkins.*

*To the KING.*

*May it please your Majesty,*

*Feb. 11. 1679-80.*

HAVING, in Obedience to your Majesty's gracious Order in Council, view'd the Proceedings had in the Court of Admiralty touching Captain *Gallop*, and the Gold alledged to have been taken by him in an *Holland* Ship, which he seized as Prize in the last War with the *Dutch* ; I do find that I gave a final Sentence in this Cause, all Parties being present in Judgment, upon the 11<sup>th</sup> of *March* 1674, to this Effect :

- " THAT the Ship, her Tackle, and Furniture, and all the Goods, Wares, and
- " Merchandise seized in the same, except the Negroes, should stand con-
- " demned as lawful Prize to your Majesty.
- " THAT all the Negroes in the Ship being upon the Quarter Deck, should, by
- " virtue of the Act of Parliament for Encouragement of Seamen, be shared
- " and divided between Captain *Gallop* and his Company.

FROM this \* Sentence I find there hath been a double Appeal : The one by your Majesty's Proctor, for that I had adjudged the Negroes on Board to Captain *Gallop*, and the Takers, and not to your Majesty : The other Appeal was by Captain *Gallop* and the Takers themselves, for that I had adjudged the Ship, and all that was in her, (the Negroes excepted) as lawful Prize to your Majesty, without adjudging any Share to them in the Ship, and the Remainder of the Lading.

THIS Cause being thus appealed, was brought before the Lords Commissioners of Appeals in *December* 1675 ; and their Lordships having heard that Part of it that concerned the Negroes, their Lordships were pleased to affirm the Adjudication of them to the Takers. The other Part, which concerns the Remainder of the Goods in the Ship, and consequently the Gold in Question, is not yet heard by the Lords Commissioners : But the hearing and determining of it belongs solely to their Lordships, the Cause being removed from me by Appeal, and now depending in a Superiour Court :

\* See before pag. 706.

Court: So that 'tis in that Court, and not in the Admiralty, that the Complainants are to seek for Redress. All which I humbly submit to your Majesty's Royal Wisdom.

L. Jenkins.

To the Right Honourable the Lords of his Majesty's most Honourable Privy Council, appointed a Committee for his Majesty's Plantations.

MY LORDS,

Dec. 1. 1668.

THE Affair of *St. Christopher's*, (whereof I am in Obedience to your Lordships now to give an Account) seems to resolve it self into these following Enquiries:

First, WHETHER the *French* Instruments of Cession, and the Most Christian King's Dispatches and Orders for the restoring of his Majesty's Part of that Island, be valid and sufficient?

I cannot say, MY LORDS, but that the Instrument of Cession is full enough, and agreeable to the best Legal Forms now current in *France* and *Italy*. Of the Dispatches, there is this Account to be given.

In the first, dated *Aug. 28. 1667.* the Order for Restitution was full and clear, without any Proviso or Condition, yet it obtained not the Effect expected. The Pretence was, that the Commander in Chief, *M. de la Barre*, was out of the Way when my Lord *Willoughby* made his Demand: But it seems that was not all; for when Colonel *Lambert* made the same Demand about two Months after, at *Midsummer* last, *M. de la Barre* made the very same Difficulties and Demands that the *French* Ambassador now makes in his last Memorial.

In the second Dispatch, dated 17th of *July* last, the Most Christian King does (upon his Majesty's Letter) bewail the Disappointment to my Lord *Willoughby* in very passionate Language, both as it reflected upon the Honour of a Prince, tender of nothing so much as of his Word; and as it appeared to be a Dissatisfaction to our most gracious Sovereign; and (to make Amends) the *French* Governour is commanded, whether *M. de la Barre* be in the Way or not, to deliver up his Part to his Majesty, all Delays and Pretences whatsoever laid aside, under Pain of Disobedience and Rebellion. This Dispatch likewise (in all Probability) obtains no Effect: For *M. de Lyonne* advises my Lord *St. Albans*, that it was desired in the *French* Court, that this Dispatch should not be sent away hence: *M. de la Barre* having been written to, to govern himself as *M. Colbert* should direct from hence, and not according to these Orders.

The last Dispatch, dated 31st of *October* last, varies from the Tenour of both the former; for it supposes the Word *Habitations* to be within the Intendment of the 8th Article; and consequently, that the *French* bought the *English* Houses and Lands, as well as their Stocks and Moveables. And then it takes for granted, that *M. Colbert* has satisfied his Majesty, that the *English* are not to be restored to their Plantations, till they do reimburse the *French* of their Demands. So that this Dispatch being compared with the Ambassador's Memorial, promises no great Effect.

For the Ambassador desires, 1. That the *French*, who shall become Subjects to this Crown, may be treated in all Respects as *English*. 2. That they be not in the least disturbed in their Possessions, till we pay them back their Purchase Money. 3. That we give them Content (that is the Word, which cannot imply less than good Security) in the Demands they make for Improvements. 4. That his Majesty would please to prefix a Day, within which the *English* shall be bound to reimburse the *French*; and in Default of doing so, the *English* to be declared for ever incapable of being restored to their own: This implies, that very much is expected to be done on our Part, before the *French* do any Thing on theirs; as if the 8th Article were a necessary Condition antecedent to the Performance of the 7th, which is not only distant from the Sense of the Article, but contrary to the Tenor of this and all other Treaties. And tho' the King's Letter mentions no more but the Reimbursement of the Purchase Money, yet it is with a *bien entendre*, that this must be done effectually, before the *English* be restored to their Possessions.

ANOTHER Enquiry is, whether the Word *Bona* comprehends Lands and Houses as well as Stock, and those Moveables which we call a Personal Estate?

It cannot be denied, MY LORDS, but that the Word *Bona*, in the *Roman* Civil Law, as also in the present Laws and Customs of the *French*, comprehends both the one and the other in many Cases; tho' in this Case it does not, as may be evinced by several Arguments.

First, In this Treaty with the *Dutch* and the *Dane* at *Breda*, the Clauses and Proviso's concerning Lands and Immoveables on the one Side, and concerning Goods and Moveables on the other, are still distinct and separate, as Things opposite in their Notion.

Notion. For instance, in the Treaty with the *Dutch*, the Right of all Lands, Towns, Forts, Places, and Colonies, is, in the 3<sup>d</sup> and 6<sup>th</sup> Articles, settled one Way; and in the 4<sup>th</sup> and 7<sup>th</sup>, that of *Bona cuncta mobilia*, another Way: Just so it is with *Denmark* in the 5<sup>th</sup>, their Moveables, *Quicquid Bonorum*, fall under one Provision, and in the 6<sup>th</sup>, their Territories under another: 'Tis so in the elaborate Treaty of the *Pyrenees* 1659. For Moveables, *des Debts, Merchantdizes, Effects, & Meubles*, it has distinct Articles, the 22<sup>d</sup> and 29<sup>th</sup>, but nothing moveable mingles in those other Articles that do settle Lands, Territories, and real Estates. So it is in the Treaty of *Chasteau Cambresis*, and several others. The Territory therefore and Sovereignty of *St. Christophers*, being the Subject Matter of the 7<sup>th</sup> Article of the Treaty with *France*, the Word *Bona*, in the following Article, (in this Treaty as well as in the others) must mean Moveables and nothing else; for the *Forma Communis* must needs in Construction of Law be here intended and observed, since the Variation from it is not expressed. And it cannot be well imagined, that the Word *Bona* should signify one Thing to the *Dutch* and *Dane*, and another Thing to the *French*, where both the Subject Matter of the Debate, and the Persons treated with by the three Parties, were the very same: From these Concurrences, the Law raises, *validissimam conjecturam*, and a full Light wherewithal to clear the Ambiguity.

Secondly, THE Case of the *English* is extremely favourable, 'tis to be restored to their own by a sacred Compact. And the Word Restitution is so favourable, that when a heinous Malefactor hath it in his Pardon from his Prince, it does not only take off his Punishment, but also restore him to his good Name, Honours, and Estate: Much more then shall those that are restored, *ex debito Justitia*, recover every Thing that the Treaty does not in very clear and express Terms deny them.

Thirdly, THE Civilians and Feudists do hold, that Lands held by such Tenures and Services, as the *English* held theirs in this Island, are not comprehended under the Word *Bona*; and in this very Case, when they say, (and 'tis a very common Saying) *Bona in bello capta cedunt occupanti*, they must mean Moveables only; the Lands and Houses going another Way, that is, to the Conqueror.

Fourthly, BY the sixth Article of War, upon the Surrender to the *French*, the *English* had Power to dispose of their Immoveables, and to carry away their Moveables, excepting Negroes and Cattle, 'tis clear they could dispose of no more than what the Treaty gave them leave to do, all the rest being devolved to the *French Jure Belli*; therefore, since they had not Power granted them to dispose of their *Fonds, Maisons*, and Heritages, their Houses and Lands did not pass. The Word *Immeubles*, when opposed to *Meubles* in the *French* Laws, signifies no more than what we call Chattels real, Parcels of the Freehold, and *Choses in Action*, here in *England*.

BUT if it be urged, that the *English* have made over, not only their Moveables, but their Lands and Houses, to the *French* by firm Conveyances, it is humbly conceived, that whatever those Contracts were, they are not to be measured and expounded by the Treaty. Besides, these Conveyances were some of them void, as being forced by Threats and Terrors; some of them voidable, as being under half the real Value, and some of them utterly feigned and false. An Instance whereof is given in Captain *Freeman*, who was before your Lordships the other Day. He paid away his Estate to M. *des Chambers*, Director of the *West-India* Company, for 40,000 Sugars, that is, about 400*l.* Sterling: His Estate was worth 1000*l.* a Year, and 'tis set down in the Contract, that he has received all these Sugars; yet he utterly denies the receiving of one Penny Value. Nay, that he was forced to pay 20,000 Sugars for a Boat to this Purchaser, to carry himself and his Family.

A Third Question is, whether the *French* are bound to repair his Majesty's three Forts, that they have demolish'd, since the publishing of the Peace?

THERE is no express Provision, MY LORDS, in the 7<sup>th</sup> Article, about rendring the Forts to his Majesty. But in Case the *French* (with whom the *English* are to be taken *Pari passu*) had been beaten out of the Island, the Rule given to the *English* was, *Nihilominus in eum Statum restituantur Galli, in quo initio anni 1665 erant*. And the *Dutch* stipulating to surrender Forts among other Things, in Case they should take them after the 10<sup>th</sup> of May, do promise that *bonâ fide in eodem planè statu confestim restituentur quo tum temporis reperientur, quandocunque de instauratâ Pace in iisdem Locis constabit*. And when Forts are to be rendred, they must not be demolish'd Places; for in interpreting of Treaties, the Rule is *Verba artis* (as a Fort is) *secundum artem intelligenda sunt*.

A Fourth Enquiry is, concerning the Improvements and the Costs, which the *French* are said to be at upon the Plantations.

WHAT the Ambassador's Memorial hath, of all Laws and all Nations allowing for necessary Expences and Improvements, is under Favour to be understood, when the Possessor is in *Bonâ fide*; but if he be *mala fidei possessor*, an Usurper solemnly denounced against; yet continuing his Usurpation by Force of Arms, he shall be so far from recovering his layings out, that he shall account for the Profits he hath received to a Farthing; but putting the Case, that the *French* had been all this while in *bonâ fide*, as they were, till my Lord *Willoughby* summoned them; yet when their Demands are not liquid, the Law allows them not to detain the Thing improved; they must accept of Security, to be reimbursed of what shall appear to be justly due. This was offered the *French* by Colonel *Lambert*, when he made his Demand in *June* last; but it was not accepted.

BESIDES, in Purchases that are subject to Restitution, by that which the *French* call *Retraist Lignager*, the Buyer is expressly forbidden in *France* to lay out any more, or other Charges in building or repairing, than are purely and absolutely necessary, within the Year and the Day allowed to the next of Kin to come in. The Reason is, that the Purchaser may not, by Expences unnecessarily laid out, render the Recovery of the Thing more difficult to the Family. The Restitution of the *English* in this Case is no less favourable: Therefore whatever the *French* have laid out since the Knowledge of the Treaty, upon Pretence of Improvements, they have laid out in their own Wrong, and by the Equity of Law are precluded, and have no Colour to demand any Account, Satisfaction, or Reimbursement from the *English*.

THE extravagant Demand, MY LORDS, of almost 7000 *l.* Sterling for Food and Necessaries to the *English* Prisoners, and of 800 *l.* for Chirurgeons about them, needs not, as I conceive, any Answer, till it be known what Reparations the *English* are like to have, for the Wast, the Spoil, the Demolition, acted upon their Plantations since the Peace.

So that, MY LORDS, upon the whole Matter, the true and honest Meaning of the Treaty being, that the Most Christian King on his Part, do forthwith order his Subjects to quit all the Plantations they are possess'd of, and to leave the *English* Part entirely to the *English*; and that his Majesty, on the other Side, do not suffer the *English* to lay Claim to their own Cattle, Slaves, or other Goods, unless they do first lay down the Money or Value, for which they formerly sold them; but that the *French* be at Liberty to carry them away, or otherwise dispose of them as their own: If the *French* have made any Improvements before Notice of the Peace, they ought to be reimbursed; if they have done us any Damages since, they ought to repair them. This I hope will be done, and nothing less than this can be done, if the *French* do, as the Most Christian King in his two first Dispatches directs, proceed *sincerement & en bonne foy*. But as to the particular Demands of Disbursements for Meliorations, and for Prisoners on their Side, and the Demands of Reparations for Wast, Spoil, and utter Demolition on our Side, they must, as I humbly conceive, be left to Commissioners, to be adjusted upon the Place. All which I do most humbly submit to your Lordship's high Wisdom.

### To the KING.

• May it please your Majesty,

Jan. 9. 1674.

IN the Case of the two *Powtrells* of *Derbyshire*, Minors, now at School at *St. Omer*, I thought it my Duty, before I presumed to trouble your Majesty with any Account of it, to inform my self of the Proceedings had at *Litchfield*, where the Administration of the deceased Mother's Estate was committed to Mr. *Stanford*, the Person excepted against by Mr. *Braylesford*, in his Petition to your Majesty. The Exceptions are three: 1. That he (Mr. *Stanford*) is not responsible for so great an Estate. 2. That he hath surprized the Ecclesiastical Court at *Litchfield*, by untrue Suggestions. 3. That he designs to make a Prey of this Estate, and to run away with the Profits of it. How well grounded the first and last of these Exceptions are, I have had no Means or Opportunity to inform my self, so as to be able to satisfy your Majesty. As to the 2<sup>d</sup>, viz. the Suggestion of Mr. *Stanford* to the Chancellor of *Litchfield*; it was, as appears by the Acts of Court, in these Words: viz. That *Frances Powtrell*, the Mother of the Minors, had appointed and ordained in her Life-time . . . . . Upon this Suggestion, the Chancellor of *Litchfield* granted Letters of Administration to Mr. *Stanford*, of the deceased Mother's Estate, for the Use and Benefit of her two Sons now at *St. Omer*, and of a Daughter between 11 and 12 Years old at Home, during their Minority. He granted him likewise Letters of Tuition

over these three Children while they should be under Age, and took Mr. *Stanford's* single Bond of 800 *l.* Penalty, for his due performing these Trusts.

It is, I humbly conceive, a just Exception against the Proceedings at *Litchfield*, that the Chancellor there did not require Proof upon Oath, of what Mr. *Stanford* suggested to have been the Desire and Appointment of the Mother; since the Uncle, and next of Kin, was by this Suggestion excluded from the Trust, and a remote Kinsman preferr'd, with a Prejudice, and without hearing him, either for himself, or for the Minors.

ANOTHER Exception is, that Mr. *Stanford's* single Bond was taken, for the due administering and rendering Account, which is never done in the Superiour Courts here: Sueties of known Sufficiency being always required to enter into Bond, together with the Administrator. Mr. *Braylesford* further adds, (and it is of great Moment if it should prove to be true) that there were no less than 650 *l.* of the deceased's Estate quite left out of the Inventory given in at *Litchfield*, when the Letters of Administration were issued out; so that the Inventory should have been, not as it is now given in 424 *l.* but 1074 *l.* and consequently the Security should have been double to this last Value: Besides that, there is suggested to be a real Estate of 600 *l.* *per Annum* that goes along with this Tuition.

THE Deceased having left no *Bona Notabilia*, the Prerogative Court of *Canterbury* (where I have the Honour to serve your Majesty) hath no Jurisdiction in the Cause; so that the Remedy of this Prejudice to these Minors, will belong to your Majesty's Dean of the Arches by way of Appeal, which, supposing the Matter of Fact to be as above, will lie very justly from the Proceedings had at *Litchfield*. If the Daughter now at Home (and it seems with Mr. *Stanford*) were at Liberty, and would desire Mr. *Braylesford* to be assigned for her Guardian, he would be then qualified forthwith to Appeal, and to get the Administration reversed, and committed to himself as next of Kin; but if she do not, there will be no Legal Remedy, till the Sons at *St. Omer's* do come Home, and choose him, or some other, as they think fit, for their Guardian, in order to reverse the Grant made to Mr. *Stanford* of this Administration.

I think it my Duty humbly to observe to your Majesty, that Mr. *Braylesford* and Mr. *Stanford* being both of them, as I am informed, Recusants, (but not convicted, which would make them by the Statute 3 *Jac. cap. 5.* incapable of the Trust of Administration or Tuition) the Contention here is not, whether these Children shall be fetch'd from *St. Omer's*, and brought up in the Profession and Communion of the Church of *England*; but only, which of these two Persons shall be intrusted with the Management of this Estate during the Minority? Which I humbly take Leave to mention, that your Majesty's gracious Letters of Privy Seal, if they should be granted, for the recalling of these Minors, may not be made Use of to serve a Turn only, but may also have some good Influence upon the disposing of these Minors as to their future Education.

*L. Jenkins.*

*To the Right Honourable the Earl of Arlington.*

*My most Honoured Lord,*

May 18. 1672.

THE Lift of *Hamburgh* Ships which I had the Honour to receive, together with your Lordship's Commands from Sir *Joseph Williamson*, consists of 208 Sails. The Lastage of all which makes up (as I compute it) 42,472 of our Tuns. The Lift given in the last War was 261 Sail. Their Tunnage is not to be computed, because many Vessels are therein specified, without setting down their Tunnage.

THIS Lift, as that in the former War, have the same Preliminaries: 1. That such of their Ships as are now Abroad, shall be added to the Lifts as soon as they come Home. 2. That some of their *Greenland* Ships have no Masters at present, but when any shall be appointed, their Names shall be specified to his Majesty's Resident at *Hamburgh*. 3. That if the *Hamburghers* happen to buy or build any Ship for themselves in neutral Ports and Places during this War, they will add them to the Lift; and so when any of the present Skippers die, they'll give in the Names of the new ones. 4. They pray that such of the Duke of *Holftein's* Subjects as live in the Isle of *Helligland*, and are Masters of *Hamburgh* Ships, may pass for Neuters, being his Majesty is in Amity with that Prince, and that such Skippers are still sworn to the Senate of *Hamburgh*.

THIS, MY LORD, is said and desired on the Senate's Behalf, but I do not find it any where undertaken by them, that the Ships in this new Lift did (all of them) *bonâ fide* belong to that City before the Rupture was in View; nor that they have not,

nor will not, during this War, receive any *Holland* Skippers to be Burghers or Inhabitants with them, in Order to sail under their Passports.

AND tho', MY LORD, the *Holland* Skippers be excluded all Interest in the *Hamburg* Bottoms, yet their Trade, I fear, will be carried on considerably in that Town; for, MY LORD, Sir *W. Swan* sent your Lordship a List of all the *Hamburger* Traders (whereof I had by your Lordship's wonted Condescensions a Copy) the last War, they were 378 in all that traded to Sea, and 186 (almost the one half) were taken and reputed by Sir *W. Swan*, to trade either in Partnership with, or else by Commissions from the *Hollanders*.

BESIDES this List, MY LORD, I received three several Memorials of the *Hamburg* Residents from Sir *J. Williamson*. To that for the Neutrality in the *Elbe*, I shall not pretend to understand his Majesty's Interest in that Trade, so as to offer any Remark of my own; unless your Lordship will give me leave to say, that it is no Wonder the *Hollanders* readily agreed to a Neutrality in that River, and his Majesty refused it the last War: For supposing the *Elbe* free from *Hamburg* to the Mouth of it, the whole Trade to the *Low-Countries* over the Walls is perfectly secured within those *Detours*: And they need not at all expose themselves to the open Sea, as we must with every Thing we bring from the River; besides, MY LORD, I do not know, whether the Company, who has, if I mistake not, a Sovereignty in that Stream; and the Neighbour Princes on both Sides, who have their *Droits* in it, have not a just Interest that all Concessions of our King be not a Prejudice to their respective Rights in the River.

ANOTHER of their Memorials is, to beseech his Majesty to remit something of the Rigour of a Report that I had the Honour to give of Captain *Green's* Loss in the burning of the Ships at *Hamburg*. MY LORD, I did reduce the Demands of Captain *Green's* Widow from 3640*l.* 0, 0, to 1789*l.* Whereof I was humbly of Opinion, that 811*l.* and no more, should be paid to *Green's* Widow, and 977*l.* should be deposited to pay the poor Mariners that had served under Captain *Green*. This Report, MY LORD, the Lords Committees of the Council were pleased to confirm, after their Lordships had heard all Exceptions against it; and the true Amount of the Capital Loss being but 811*l.* as to *Green's* Part, I do not know, MY LORD, how any Thing can be remitted, if the Widow may have the Benefit of his Majesty's Order for Reparation.

HIS Majesty may, if he think fit, respite the bringing in of that Sum of 977*l.* which I intended for Reparation to the Mariners in their Wages, and private Adventures, till they do liquidate their respective Losses; but then, MY LORDS, the Resident will, I hope, make no Difficulty to bring two Merchants, that shall stipulate to pay what shall be found upon due Proof.

THE third Memorial is, that his Majesty would be pleased to excuse the *Hamburgers* from paying 6 *per Cent.* Interest for the Capital Loss. The Reason they give is, that this Loss was through their Misfortune only, and without their Fault. It has not been my Business to enquire into the Merits of that Action. I was limited to audit and state the *Quantum* of the Loss only. Sure I am, his Majesty has declared them to be in the Fault; and if so, the Law gives this Interest of 6 *per Cent.* to the Losers.

THEY further desire his Majesty would excuse them from Costs of Suit in this Cause, for that they did not begin the Suit, but that the *English* Merchants were Plaintiffs, and put them to this Course of Law. This I humbly conceive is contrary to the Course of all Courts, for where a Creditor is put to sue his Debtor at Law, he must recover his Costs as well as his Debts; but I shall take leave to tax the Costs with all just Moderation.

THE Residents, MY LORD, do further speak themselves very desirous to have this Affair liquidated and brought to a Period: The Merchants on the other Side produce Letters, and offer Oaths, to make out that the *Hamburgers* had hindered them, by secret Arts and Means, to speed their Commissions, and examine their Witnesses beyond the Seas; 'tis not usual, MY LORD, that those who hope to receive Money, (as the Merchants do) should delay the Suit, that is to open their Way to it; this is certain, MY LORD, that the Commission which should have been sped in *October* last for the Merchants, was not brought till yesterday to this Court. However, it shall not stick (God willing) in my Hand at all. I am, MY LORD, &c.

*L. Jenkins.*

To the KING, and the Lords of His Majesty's most Honourable Privy Council.

May it please your Majesty,

THE Claim of Sir *Ralph Wilson*, and other *Irish* Merchants, (whereof I am in Obedience to your Majesty's most gracious Order to give an Account) was at the hearing in the Court of Admiralty, fully justified to be real, and upon their own proper Accounts. The 522 Barrels of Beef which they claim, being laden in *November* last on Board a *French* Ship (called the *Charitie* of *Diep*) at *Limerick*, to be carried to *Rochell* upon their Risque and Account, as was made out, not only by comparing the true Bills of Lading in their Names, with the coloured ones, which made shew of a *French* Interest, but also by the Oaths, partly of the respective Claimers, sworn before the Lord Mayor of *Dublin*, and partly of other Persons examined here, who were not interress'd at all in this Lading.

Yet there was one Thing fatal in their Case; the Master, who was a *Frenchman*, after his Dispatch at *Limerick*, as he was falling down that River, took aboard him three *Hollanders*, who being Prisoners to your Majesty at *King'sale*, had made their Escape, and hid themselves in the Woods, till this Master, without the Consent or Knowledge of his Freighters, took them on Board.

THIS Act of the Master brought this Ship and the rest of the Lading (which belonged to the *French*) unto Condemnation, as having directly fallen under the Letter of your Majesty's Declaration of the 22<sup>d</sup> of *February*, 1664. but I could not conceive, that the Concerns of your Majesty's Subjects were to be involved in the same Sentence, but rather that they were to be permitted by their Petition to implore your Majesty's Royal Clemency and Indulgence in this Case; since that Declaration was (as I humbly conceive) intended to affect your Majesty's Enemies only, and such as should succour or entertain them; but not to prejudice your Majesty's good People, who are forced, by the present Difficulties, to trade in foreign Bottoms, and under several Disguises, for their own Preservation.

THE Mention of that Clause, touching unfree Persons, in your Majesty's Declaration, obliges me most humbly to acquaint your Majesty with one Thing, which occurs to me very frequently in the Admiralty.

IN the many Ships that were brought up, as they pass to and from *Spain*, *Portugal*, *Flanders*, *Swede*, and the *Hanse-Towns*, there is most commonly one of the Subjects of the States comprehended among the Ship's Company, and yet seldom more than one that is discovered: The Reason I suppose is, least a Number of them should bring the Ship to Confiscation; and I perceive the Freight of Shipping is raised among the Neutrals in this War, to the excessive Rate it is now at, not only because of the more than ordinary Risques at Sea, but also because of the Scarceness of free Mariners, as well as of free Bottoms. The *Hollanders*, on the other Side, are not capable of gaining a Livelihood abroad, since no free Ships do dare to entertain them: So that what I would humbly offer to your Majesty's Consideration is, whether the Numbers of the Enemy in their Men of War, do not receive a considerable Addition from the Necessity which confines the Seamen to their own Country? and consequently, whether some further Liberties to Neuters in this Case, would not invite the *Hollanders* to look abroad, and tempt them to decline a Service of much Hazard and so little Advantage, as is that of the *French* and of their own Superiours? Not to mention, that *Flanders* and other Places setting up for a much greater Trade than formerly they had, will be forced to breed up Seamen (since they cannot hire them) in Proportion.

If your Majesty should judge a Relaxation in this Case, likely to withdraw any Numbers worth the while from the Enemies Service, it will not, I do humbly conceive, be needful in the least, that your Majesty should retract this Clause in the Declaration, but only interpolate your Royal Explication of it to the Admiralty; determining what Number of unfree Persons (whether the one half, or two thirds in Proportion to the Equipage) shall affect a free Ship. The Notice of this will sufficiently disperse it self to all Merchants, Factors, and Skippers concerned, that if this Method can produce that Effect, it will not need any further Publication. All which I do humbly submit to your Majesty's Royal Wisdom.

L. Jenkins.

May



*May it please your Majesty,*

**W**HEREAS the Stress of some *Swedish* Affairs in *Scotland* is laid upon the Practice for having

they returned to *Sweden*; it is the Request of *Sweden*'s most humble Request, that your Majesty will be pleased to order Dr. *Jenkins*, your Majesty's Judge of the High Court of Admiralty, that he deliver the said Resident his Opinion thereof.

*London, Jan. 13. 1667-8.*

*W. Bleyenbergh.*

*Whitehall, Jan. 17. 1667.*

**I**T is his Majesty's Pleasure, that Dr. *Jenkins* do accordingly deliver his Opinion upon the Premises, unto the *Swedish* Resident in Writing.

*Will. Morrice.*

**T**HE Question which I am (in Obedience to his Majesty's most gracious Pleasure) to answer unto, being a Matter of Fact, I thought it my Duty not to rely wholly on my own Memory or Observation, but further to enquire of Sir *Robert Wiseman*, his Majesty's Advocate General; Sir *William Turner*, his Royal Highness the Lord High Admiral's Advocate; Mr. *Alexander Cheek*, his Majesty's Proctor; Mr. *Roger How*, Principal Actuary and Register in the High Court of Admiralty of *England*; whether they, or any of them, had observ'd, or could call to Mind, that in the late War against the *Dutch*, any one Ship, otherwise free, (as belonging to some of his Majesty's Allies) having carried Goods belonging to his Majesty's Enemies, from one Enemy's Port to another's, and being seized (after it had discharged the said Goods) laden with the Proceed of that Freight, which it had earn'd and received of the Enemy, (upon the Account of the Ship's Owners) had been adjudged Prize to his Majesty; they all unanimously resolved, they had not observed, nor could call to Mind, that any such Judgment or Condemnation ever passed in the said Court; and to this their Testimony I must (as far as my Experience reaches) concur: And if my Opinion be (as it seems to be) required, I do not (with Submission to better Judgment) know any Thing, either in the Statutes of this Realm, or in his Majesty's Declarations upon Occasion of the late War, nor yet in the Laws and Customs of the Sea, that can (supposing the Property of the said Proceed to be *bona fide* vested in the Ship's Owners, his Majesty's Allies) give sufficient Grounds for a Condemnation in this Case: And the said Advocates (upon the Debate I had with them) did declare themselves positively of the same Opinion. Written with my Hand this 6th Day of *February* 1667. *English* Stile.

*L. Jenkins.*

*To Sir Leoline Jenkins.*

S I R,

**I**T happened some Years ago, that a *French* Privateer having taken two *Dutch* Ships, and brought them into *Jamaica*, upon Trial in the Admiralty there they were found to have taken them without Commission: So that the Produce was adjudged to be paid into Sir *T. Modyford*'s Hands, then Governour of the Island. A Question now arises, whether this Money, being 1100 *l.* in the whole, belongs to the King or the Duke; and his Majesty commands it to be referr'd to you, to hear and state the Case, and to give your Opinion upon it, his Royal Highness likewise consenting to it. Sir *Ch. Littleton* will attend you on the King's Part, and Mr. *Bret* on the Part of his Royal Highness, from whom you will have a more distinct Account of the Thing.

*R. S.*

*May it please your Majesty,*

*March 29. 1672.*

**H**AVING heard your Majesty's and his Royal Highness's Advocates, upon the Papers and Questions hereunto annexed; I have, in Obedience to your Majesty's gracious Pleasure, the following Account to give:

THE Matter of Fact stands thus: A *French* Man of War takes a *Holland* Merchantman, upon the Coast of *Cuba*, in *October* 1664; and having brought him to *Port Royal* in *Jamaica*, commences a Suit against him in the Admiralty there; praying, that either the Ship and Lading might be condemned to him as lawful Prize; or else that it might be adjudged liable to pay him the Losses and Damages which he had sustained in the Fight when he took her.

ON



ON the 22<sup>d</sup> of November 1664, the Admiralty condemned the Ship and Lading for the Payment of 500*l.* to the *Frenchman*, the Overplus (if any) to remain for a Year and Day in Court, and then if no Claimer appeared, to fall to his Royal Highness.

THE *Hollander* Appeals from this Sentence, and Sir *Thomas Modyford* (as Judge, it seems, of Appeal) pronounces it to be void, and decrees, "That the Ship and Lading should be sold, and that the Proceed should remain in such Hands as he should appoint, for the Use of the *Hollander*, in case there should be no War; but if a War should happen, then the same to be for the Use of your Majesty and his Royal Highness, in such Cases made and provided." These are the Words of the Sentence, which was given Dec. 9. 1664.

THE first Proceedings in the Admiralty of *Jamaica* bear Date 17<sup>th</sup> of November next before: The Orders for general Reprisals against the *Dutch* bear Date (if my Notes deceive me not) the 8<sup>th</sup> of the same Month and Year, and the War was declared in February following.

THIS being the Fact, the first Question put is, whether the *Hollanders* interested shall have the Money, which is the Proceed of this Ship, or not? To this I humbly answer, that they have no Pretence to it; not only as they are now declared Enemies, but by the 4<sup>th</sup> Article of the Treaty of *Breda*, they are for ever debarred all Claim in these Cases.

THE second Question is, whether your Majesty, or else his Royal Highness as Admiral, shall have this Money, if the *Hollanders* have no Right to it? To this I humbly answer, that your Majesty has an original undoubted Right to Enemies Goods, exclusive to all others that do not derive by your Commission. And moreover, by Regulation made in Council, March 6. 1665, all Ships that either come in voluntarily upon Revolt from the Enemy, or are forced into Port by your Majesty's Men of War, or else are seized in Port before any Declaration of War or Reprisals, are declared to belong to your Majesty.

ON the other Side, the Lord Admiral has *Bona inimicorum pro derelictis habita, seu casu fortuito reperta* (within his Jurisdiction), granted to him by Patent; and by the same Regulation, his Right is declared to extend to Enemies Ships coming into Port by Strefs of Weather, or other Accidents: So it is if they come in by Mistake of Port, or not knowing of the War.

BEFORE this Regulation be applied to this Fact, it will, I suppose, be granted without Difficulty:

1. THAT there is nothing new granted to the Admiral by this Regulation, only his Patent is explained, and his Right (which was in Part acknowledged in an Order of Council, Dec. 14. 1664.) is more expressly declared as to *Bona inimicorum*.

2. THAT Goods seized in *Jamaica*, after granting of Reprisals in *England*, but before Notice was had in *Jamaica* of their being granted (such was the Case of this Ship), stood subject to Reprisals, I mean, were lawful Prize, in the same Manner, and under the same Rules of Sharing and Propriety, as if Notice and Commission had been actually received there to do the same; and that there is no Difference between a Seizure in Reprisals, and a Seizure in War, as to the divesting of the Proprietor of his Interest, and the investing the Taker under the Commission he acts by, and the Law he lives under.

THESE two Things being granted, I shall humbly observe,

1. THAT this Ship was not seized or arrested in your Majesty's Name, or by your Order, as the *Dutch* were then seized in the Ports of *England*; and I conceive, with Submission, that such a Seizure or Imbargo, as foreruns a War or Reprisals, is intended by the Words of the Regulation and no other. For the Words [by his Majesty] are to be referred to the Word [seized], otherwise they are superfluous, since no War or Reprisals can possibly be declared but by the King; and so joined, they do clearly distinguish between Imbargoes, which are Acts of State principally intended, (as the Effect of your own Royal Power) in this Reserve to your Majesty, and other Seizures and Arrests which are accidental, and upon several private Occasions, but do not run in your Majesty's, but always in your High Admiral's Name.

2. THAT the bringing up of this Ship, and detaining it under Arrest in *Jamaica*, at a Time that Reprisals against the *Dutch* were issued out in *England*, was a meer Accident; not upon the Prospect of a War with *England*, but purely upon the Suit of the *Frenchman*, in an Action of Damages against the *Hollander*, without any Interest or Order of your Majesty appearing. And if a Seizure or Arrest in the ordinary Course of Law between Party and Party, comes as fully under the general Word [other

Acci-

Accident], as Ignorance of Port, or Stress of Weather does, this Case falls to the Admiral's Share in the Regulation.

3. SUPPOSING (as under Correction I do in this Case) that no Seizure in Port which is by Accident, (and I reckon all Seizures accidental to a War or Reprisals that are not by your Majesty's Name and Command) is by the Regulation intended to enure to your Majesty's Use, the Declaration which Sir *T. Modyford* made, being after Reprisals were issued out in *England*, shall not prejudice the Right of the Admiral, as far as it is established by the Regulation. For instance, if this Ship had come in by Stress of Weather, the Admiral, I conceive, should have had her, notwithstanding any Seizure for your Majesty's Use. And it has been so ruled in *England*; for upon the first opening of the Reprisals here, some Ships were brought in by Storm, others by the Endeavours of Men without Commission: And the Officers of the Customs (to whom all Prizes were then committed) possessed themselves of them for your Majesty; but your Majesty was pleased in Council, on *Dec. 14. 1664.* (about ten Weeks before the War was declared, and about 14 Months before this Regulation was made) to order, That the Ships brought in by those Accidents should be restored to his Royal Highness, and to declare that they belonged to him as *Bona inimicorum*, in vertue of his Patent; directing those Officers to meddle with such Ships only as your Majesty's Ships should bring in for Prizes, and no other.

So that upon the whole Matter, the Seizure of this Ship having not been by way of Imbargo in your Majesty's Name, or by your Warrant, but by a Judicial Decree between Party and Party, (which was a meer Accident as to the Rupture then begun) and this Seizure or Arrest happening at a Time when Reprisals were actually issued out in *England*, I am of Opinion, under Correction, that the Right to this Money is vested in his Royal Highness by vertue of his Patent, and of the Regulation made *March 6. 1665-6.*

As to the last Question, whether Sir *T. Modyford* has Right to this Money, as a Perquisite to the Governour's Place? I am of Opinion he hath not: For such Things as these pass not in the Grant of an Office newly erected, without positive and express Words. All which, &c.

*L. Jenkins.*

### To the KING.

*May it please your Majesty,*

*Jesuu-College, Oxon, March 30. 1666.*

THE Sentence of the Admiralty against the *Salvator del Mundo & del Anima del Purgatorio*, (a *Venetian* Ship so called) is, as I do with Submission conceive, abundantly justifiable, both from the ancient Stile and Practice of that Court, and from the particular Circumstances and Proceedings in this Cause.

FOR all Persons concerned were called by a Monition in due Form set up at *Oxford* the 2<sup>d</sup> of *January* last, to shew Cause, if they had any, why this Ship and Lading should not be condemned as Enemies Goods to your Majesty. This Monition being returned the 16<sup>th</sup> following, all Persons were called again upon the three subsequent Court Days, in open Court, and none appearing, Sentence was pronounced in *penam contumaciae*, the 31<sup>st</sup> of the same Month. This appears by the Acts of Court, and has nothing disagreeing in it, from the most received Practice in all the Judicatories of *Christendom* of this kind.

NOR was this done, as is supposed, before the Court was possess'd of the Ship, which, it seems, was carried into *Ireland*: For the Court (to which nothing of that Fact was represented, or did otherwise appear) was sufficiently founded to proceed, in that the Ship had been actually seized by one of your Majesty's Frigates; that the Master, and others of his Company, had been brought by that Frigate, and, for ought appeared to the contrary, the Ship it self, into *Plimouth*; that the Master and some others of that Ship's Company, had been examined there by Commission from his Royal Highness; that those Depositions, and other Ship Papers, were duly returned into the Admiralty; (and more than this we have not in any Case to proceed upon) and tho' the Ship came afterwards into *Ireland*, yet it remained still subject to this Jurisdiction; and none of the subordinate Courts there could intermeddle legally, where this Admiralty was possessed of the Cause, and had regularly begun to proceed.

NOR is it any Excuse (which is the other Suggestion) to say, there was no Monition touching this Ship, hung up at the *Exchange*, the usual Place in *London* for your Majesty's Warrants, the one for removing the Court from *London* to *Winchester*, and the other for removing from *Winchester* to *Oxford*, being set up and Published in due Form and Time at the *Exchange*, and the respective Adjournments being so notoriously known, and attended to by Merchants and other Persons concerned.

THE

THE Monition issued out at *Oxford*, did much more effectually affect these Claimers than it had been hung up at the *Exchange*; the Sickness having rendered that Place, such as the Law reputes, unsafe to be frequented, and consequently incapable to have a Monition set up in it, to any good Effect.

NOR was the Contumacy, or the Port of *Offend*, where the Master could not upon his Oath say, he was to discharge, but only to receive further Orders; the only Things in the Eye of the Court, when that Sentence was passed. For among other Papers there were four Letters found on Board, denied at the first by the Master, and found upon Search in the seizing of the Cabin.

THESE Letters were written from *Amsterdam* to the Master at *Cadiz*, where he was to touch, and take in a Pilot, such a one as had approved himself trusty. There is an Emphasis in the Words, and the Original, which is *Italian*, imports a Trust by some Secret, rather than the Conduct of the Voyage. The Master is particularly charged to burn these Letters, to give the Writers frequent Advice of his Proceedings, and to address his Letters to them under the Covert of M. *Naguens*, by the Way of *Offend*, which is much the Way about to *Venice*. He is also directed to engage in no Company, but that of Neuters to *England* and *Holland*, except it be in the Fleet, which they suppose to be strongly convoy'd; and in the Close add these Words, "henceforth we will write unto you, in the Name of Seigniors *Benzonj* of *Venice*, for your good Government, &c." and accordingly they do; for the first Letters, dated 17th and 31st of *August* last at *Amsterdam*, are subscribed *Gio Vachino Lorrezzo*, and the two other Letters, as if these Men had been transported thence in 24 Hours Space, dated the 1st and the 14th of *September* ensuing at *Venice*, are subscribed *Gio* and *Antonio Benzonj*. Those are the Names to the Petition now depending, the Hand, Ink, the Paper, and the Seal, being undoubtedly the very same, in all the four Letters.

Tho' these Presumptions are very violent, yet the Sentence passing not upon the Merits of the Cause, but in *pœnam Contumacia* only, the Claimers (considering they are Foreigners) are not to be precluded, but ought, as I do with Submission conceive, to be admitted, if they desire it, to purge themselves of their Contumacy, and to prosecute their Claims by Way of Appeal, before my Lords of the Council, who are already constituted Judges in this Behalf. For this being not a true Contumacy, which implies, that the Party hath actually had Notice or Summons, yet neglects or refuses to appear, but a presumptive or feigned Contumacy, which may be purged by pleading Ignorance or Impediment, the Law allows the Party, if he come in any reasonable Time, in Proportion to the Distance of Place, the Liberty of opposing any Thing against a Sentence in *pœnam Contumacia*, upon that Maxim which *de Jure Gentium* is fundamental to all judicial Proceedings, that no Man be condemned unheard. All which, &c.

L. Jenkins.

To the Right Hon. the Lords Commissioners of Prizes.

MY LORDS,

Mar. 13. 1672-73.

THE Ship *Casseur*, alias the *Hunter*, Jacob Johnson Master, appears by the Depositions taken in *preparatorio*, to have belonged to the Royal West-India Company of France. It was laden at St. Christophers, bound for *Honfleur*, and in its Course the 21st of February, (N. S.) taken by a Dutch Privateer, and having been six Days in the Enemies Possession, was retaken off of *Dover* by his Majesty's Ship the *Drake* Frigate.

MY LORDS, this Case and its Circumstances are much like to that I have had the Honour lately to represent, with my most humble Opinion, to your Lordships, upon the like Solicitations of M. *le Barr*, in Behalf of French Subjects; he prays the said Ship and Lading may be restored, as in the like Case is practised in France. I do not know, nor has M. *le Barr* informed me of any such Practice in France; if there be any such, I take it to be more favourable to us, than their Law is to their other Allies. For their Law is, (if I mistake it not) that French Subjects indeed shall have Restitution upon Salvage, tho' the Ship have been several Days or Months in the Enemies Hands; but their Allies must be rescued within 24 Hours, else they are not to be restored upon Salvage, but adjudged good Prize to the Rescuer.

MY LORDS, I am sorry that I must observe to your Lordships (for I think it my Duty) that the Depositions of these Frenchmen, taken in *preparatorio*, do observe, that the Dutch Capers plunder'd nothing out of the Ship, only the Captain took a Piece of Silver, worth one hundred Pieces of Eight; but the Company of the *Drake* Frigate, plunder'd a very considerable Part of the Lading, most, if not all, of 74 Barrels of Indico, all the *Campaigne* Wood, and Sugars, which is not for the Reputation of his Majesty's Arms.

I have,

I have, MY LORDS, the Honour of another Order of Reference from your Lordships, brought me by Mr. *Carbonell*, to report the *Fame* or *Renown* of *Herlinghen*; but I took the Liberty then to excuse my self, till I should understand your Lordships further Pleasure. This Ship, MY LORDS, and its Lading being Salt, was by Order to be sold upon a Motion for the King, before any Claim was heard of, or your Lordships Reference brought to me; so that there being an Interest acquired to his Majesty by this judicial Act for Sale, there is, as I conceive, a Necessity that the rest of the Proceedings, to clear or condemn, be in a judicial Way; for where the King's Hand is laid on by a legal Act in Judgment, the like Act is requisite to take it off, which I am ready to proceed to, and will be done at any Time in half an Hour, if the Cause will bear it, as soon as any shall appear in Judgment, and justify this Claim in the Presence of the King's Council. This, MY LORDS, was my Answer to Mr. *Carbonell*, in Regard that he pretended that this Ship must forthwith be discharged at the Instance of the *French* Ambassador. I could have told him further, but that it is not much to the Credit of the Management below, that there is not one Scrip of Paper nor Depositions brought up, whereupon to ground a Report to your Lordships; for the Sale was grounded meerly upon the Certificate, after the Lapse of fourteen Days. I am, &c.

*L. Jenkins.*

*To the KING in Council.*

*May it please your Majesty,*

**I**N Obedience to your Majesty's most gracious Order in Council, I have these few Things to offer touching the Trial of the two Prisoners now in *Newgate*, who being taken in a Boat under Sail, with Wools on Board, in the River of *Thames*, have occasioned the Question, Whether they are to be tryed at a Sessions of your Majesty's Court of Admiralty, or else in the ordinary Sessions for Goal-Delivery?

THERE are two Acts of Parliament, the one of the 12<sup>th</sup>, and confirmed by the 13<sup>th</sup>, the other of the 14<sup>th</sup> Year of your Majesty's Reign, against the exporting of Wools, the first makes it very penal as a Misdemeanour, the last makes it to be Felony: But in both these Acts there is a Clause (the same *verbatim*) directing where the Offenders are to be tryed, *viz.*

“EVERY such Offence shall and may be enquired of in the County where such Wools shall be pack'd, laden, or laid aboard, or else in the Country where such Offenders shall happen to be apprehended or be arrested for such Offences, the Tryal to be in such Manner and Form, and to such Effect, as if the same Offence had been wholly and altogether done and committed in such County.

It doth not appear by the Information, that the particular County in which those Wools were laden, is either known or confess'd, nor can the Offenders (as I humbly conceive) be said to have been apprehended or arrested in any County, since they were taken in the main Stream of a great River, far beneath that Bridge of it which is nighest to the Sea.

THOSE are the Words of the Statute (of the 15 *Rich. 2. cap. 3.*) and altho' those Words should be understood to restrain the Lord Admiral from taking Cognizance of Offences done upon great Rivers in any Case (the Death of a Man on Shipboard, and his maiming only excepted) yet this Statute of the 28 *Hen. 8.* concerning Piracy, is clear and express, that all Felonies (and consequently this of exporting of Wool) committed or to be committed in any Haven, River, Creek, or Place, where the Lord Admiral has or pretends to have Jurisdiction, as well as Felonies committed upon the main Sea, shall be enquired of, and tryed before the Lord Admiral, only this Tryal is now to be by a Commission of Oyer and Terminer, after the Course of the Common Law, and the Tryal may be in any Shire or Place that is assigned and limited by such Commission, so that if this Offence be to be enquired of and tryed as a Felony, it seems to come fully within the Purview of this Statute of Piracy, and cannot be otherwise tryed than in the Sessions of the Admiralty.

YET since it is expressly provided in the Act of the 14<sup>th</sup> of your Majesty's Reign, that nothing in it shall be construed to Repeal the Penalties, Clauses or Provisoos made against this Offence in the former Act of the 12<sup>th</sup>, I do with Submission conceive that the Commissioners will be obliged, by the Humanity used in Favour of Life (when penal Statutes are interpreted and applied) to try these Prisoners upon the Act of the 13<sup>th</sup>, which does not make this Crime to be Felony; for if they be tryed by the Act of the 14<sup>th</sup>, which makes it Felony, and if it be found against them, the

Statute of Piracy (upon which this Commission must be grounded) to try this Felony, will debar them of their Clergy; whereas the Act it self that makes this Felony, does not exclude them of that Benefit.

AND the Commission of Oyer and Terminer, ordinarily issued out by Virtue of the Statute of Piracy, and now standing in the Admiralty, will reach this Offence as a Misdemeanour or a publick Nufance; for by that Commission, the Lord Admiral, his Lieutenant, and the rest of the Commissioners, are made and constituted Justices of Oyer and Terminer for the Goal Delivery and the Peace, for the due executing and observing of several Statutes there enumerated; for Instance, those against transporting of Silver and Gold beyond the Seas, those against Weares and Kidles, and against unlawful Nets and Engines for fishing, those against transporting raw Hides and Tallow, and those against transporting of live Sheep, and many more the like Statutes. To these might be added the Statutes about Wool-Stealing in the next Commission; for tho' this Commission had its first Original about the 28 *Hen. 8.* yet we find several Statutes, incerted in the modern Precedents, that were made in the three succeeding Reigns, long after the first Forms, all the Commissions having a general Clause, to enquire not only upon the Statutes therein specified, but upon all and singular other Statutes that ought to be observed, yet may be at any Time, and are sometimes transgressed and violated within the Jurisdiction of the Lord Admiral. Besides this, and the constant Form of these Commissions for near seventcore Years, under the View and Approbation of several Lord Chancellors and Keepers, under six of your Majesty's immediate Predecessors, I must crave leave to add *Lacy's Case, Hil. 25 Eliz.* and *Leigh's Case 7 Jac.* as they are reported in the Common Law Books; for I do not offer any of our Records, so slight and insignificant is their Authority now made to be.

NOR is there any Thing granted to the Lord Admiral in this Commission, but what he was possessed of long before those Commissions grounded upon the Statute of Piracy were known; for by the Inquisition taken at *Queenborough, 49 Ed. 3.* and by the Statutes of the black Book in the Admiralty, much ancienter than that Inquisition, the transporting of prohibited Goods particularly, and so of other Offences, was to be enquired of and tryed before the Lord Admiral; and in the Articles usually given in Charge at the Admiralty Sessions of *England* to this Day, the Inquiry after Transporters of prohibited Goods is given in Charge to the Jury, and it seems no less than necessary; for if such Offenders do *de facto* escape the Searchers and Officers employed upon the Land and in the Ports, there will be no Punishment left for them, when they are taken within the Jurisdiction of the Admiral, for want of a proper Jury, unless the Lord Admiral and his Commissioners may enquire of and execute these Laws: So that upon the whole Matter, I do humbly conceive, that the Cognisance of this Offence, whether it be considered as a Misdemeanour, or as a Felony, may properly belong to your Majesty's Sessions of the Admiralty, saving that in Favour of Life, the Proceedings are to be upon the first Act for Misdemeanour, rather than that for Felony, since the Liberty of choosing is not taken away from the Commissioners.

BUT if your Majesty should think fit to give the Jurisdiction in this Case of Wool-Stealing from the Sessions of the Admiralty to some County Sessions; It would not be any Prejudice (as I conceive) to your Majesty's Service, since the Proceedings are to be the same in either Court; but it is not so in other Points of Jurisdiction between the Common Law and the Admiralty, wherein the good of Trade and Navigation is more immediately concerned. I must therefore, by Reason of the daily Clamours I have from material Men, most humbly take leave to open their Cases, as it stands in the Admiralty, to your Majesty's most gracious Consideration.

THOSE are commonly called material Men, whose Trade it is to build, repair, or equip Ships, or to furnish them with Tackle and Provision (necessary in any Kind). Those Men, when they have furnish'd any Victuals or Materials upon the Credit of a Ship, are certain Losers, if they be prohibited from taking their Remedy against such Ships, by Arresting and Proceeding to gain a Possession of the Ship it self, till the Debt be satisfied, according to the ancient Course of the Admiralty. If they be put to their personal Action against the Master only, who employ'd them at Work, or took up their Goods, they find him most commonly not worth of his own the 40<sup>th</sup> Part of what he may, and in some Cases must take up upon the Credit of his Ship.

It is true, it hath of late been held, that such Contracts being made, and arising upon the Land, are declared by the Statutes 13<sup>th</sup> and 15<sup>th</sup> *Rich. 2.* to be not cognizable in the Admiralty; yet if those Statutes be weighed together with the Suggestions and Complaints of the Commons, upon which they were enacted, there will not (under

Correction) be any Necessity to extend them any further than the Grievances and Abuses then complained of: But that the Cognisance of Contracts and Pleas relating to the building, and repairing, and furnishing of Ships, was not intended to be prohibited to the Admirals, may (as I conceive) be well presumed, not only because the Things complained of, are Actions and Pleas of Matters foreign to Navigation, &c. but also that during the Remainder of K. Ric. II. Reign, after the making of this Act, as also in the Reigns of Hen. IV. Hen. V. Commissions of Appeal were ordinarily issued out of Chancery, as appears by the Records of those Years in the *Tower*, whereby the Proceedings and Judgments in the Admiralty are so far from being complain'd of, prohibited, or declared as *coram non iudice*, that they are referr'd, as in the ordinary Course of Appeals, to the Examination of Delegates:

It was one of the Articles subscribed by all the Judges of the Land, and Mr. Attorney General *Noy*, before the King your Majesty's Father of ever Blessed Memory, in the Year 1632; that where a Suit is in the Admiralty for building, amending, saving, or victualling of a Ship, against the Ship it self, and not against any Party by Name, but such as for his Interest makes himself a Party, no Prohibition is to be granted, tho' this be done within the Realm. And according to this Resolution of the Judges, there were several Judgments given, and Prohibitions denied at *Westminster-Hall*, from the Year 1632, to the Troubles.

THE Usurping Powers, who had no Reverence for any Authority but their own, yet in 1652 did, for the Advancement of Trade, and Increase of Shipping, make no less than four several Ordinances, to assert and keep up the Jurisdiction of the Admiralty, in the case of material Men especially, and some other Points for the Increase of Shipping and Commerce; that above 100 of the best qualified Merchants in *London* did petition your Majesty, soon after your most happy Return, that your Majesty would please to establish the former Regulation, agreed on by all the Judges; declaring upon their Experience, that the Good of Trade and Navigation did very much depend upon it.

IN several Sessions of this Parliament, there have been Overtures made to his Royal Highness, from many hundreds of material Men, whereby it was averr'd, that the ascertaining of the material Mens Remedy against the Ship, according to the ancient Course of the Admiralty, without Interruption from the Courts of *Westminster*, would be of great Advantage to your Majesty's Customs and other Revenues, as well as to the Increase of Shipping and Trade in general. It being very demonstrable, that a hundred Sail of Ships in the River of *Thames* may be equipp'd, and set out with all Necessaries upon any Occasions, (the Credit of the Ship being secured to the material Men) with better Dispatch and less Difficulty, than 5 Sail can now be set out, while the material Men have no Remedy against the Owners; for they will pretend the Goods were not taken up by their Order; nor any Effect against the Master; for he is generally not worth the trusting; and besides, has no Benefit from the Goods and Necessaries, which he took up and imployed upon another Man's Ship.

HOWEVER, if the Admiralty did contend for the Cognisance of material Mens Causes, exclusively of other Courts, there would not be so much Reason to heed them; but they desire no more, but that your Majesty's Subjects may be at full Liberty to sue in such Courts as shall like them best; only when they have begun and joined Issue in the Admiralty, that that Court be not prohibited to go through, and determine the Cause, saving all Appeals from it to your Majesty. If the Admiralty may not, but is still prohibited, these poor material Men must be content, either not to deal at all, unless it be for ready Money, or else to trust upon more hazardous Terms than any other Sort of your Majesty's Subjects, besides the fruitless Expence of Time and Money, the Disputes between two Jurisdictions, and the Danger of being sued after all for double Damages upon a penal Statute. All which is most humbly submitted, &c.

*L. Jenkins.*

*The Opinion of the Judges upon the foregoing Report, as far as it concerns the Wool Exporters.*

ACCORDING to the Order made by his Majesty in Council hereunto annexed, we have met and perused the Report of the Judge of the Admiralty therein mentioned, and we are of Opinion as followeth:

*First*, THAT the Offences against the Statutes of the 12<sup>th</sup> and 14<sup>th</sup> of his Majesty's Reign, against Exportations of Wool, are to be determined before Justices of Assize, Goal Delivery, or of the Peace, in the County where the same Wool was packed, or

laid on Board, if it can be known, or in the County where the Offenders were apprehended.

*Secondly*, THAT although the Offenders were taken in a Boat under Sail upon the River of *Thames* below the Bridge beyond *Gravesend*, yet inasmuch as it is certain that the River of *Thames* at that Place is within the Body of the County, namely, that Part of the River that lies next to the County of *Kent* unto the *Filum aquæ*, is within the County of *Kent*; and the other Side to the *Filum aquæ*, is within the County of *Essex*; the Offenders ought to be tried according to the Directions of the said Act, in such of the Counties where they were taken, or where the Wool was packed, if it may be known.

3. THAT the Court of Admiralty hath no Jurisdiction to hear, or determine the Offence committed as aforesaid, either as a Felony or a Misdemeanour.

4. THAT the Offence in the Order hereunto annexed mentioned, cannot be proceeded upon, heard, or determined, by vertue of any Commission granted upon the Statute of 28<sup>th</sup> Hen. VIII. c. 15. touching the Trial of Piracy, and other Offences therein mentioned.

### *To His Royal Highness.*

*May it please your Royal Highness,*

**I** Have, in Obedience to your Royal Highness's Command, and pursuant to his Majesty's Order in Council, the following Account to offer, touching the Trial of the Wool-Stealers offending and taken within the Precincts of the Cinque Ports.

1. THERE is no Doubt but they may be tried by Commission of Oyer and Terminer directed to your Royal Highness, your Lieutenant and others, such as his Majesty shall think fit to name; and this Commission may be executed in *Dover* Castle, or any where else within the Ports.

2. THE Mayor and Jurates of *Rumney*, within whose Liberties those Offenders were taken in the Fast, may (if it be thought fit) call and hold a Session within their Corporations, and these Offenders may be indicted and receive Sentence and Execution there, if they be found guilty; but neither of these Ways, tho' they be according to the Course of Common Law, are like to have that speedy and certain Effect, which his Majesty's Justice, and gracious Concern in this Affair do require.

3. THERE is therefore a third Way, which, under Correction, seems the fittest to be chosen in this Case; it is, the sending of the Offenders to *Maidstone* Goal, in order to receive their Trial at the next Assizes to be held for the County of *Kent*.

NOR can I find that this will be any Prejudice to your Royal Highness's ancient Jurisdiction in the Ports, for which you were pleased, out of your Princely Goodness, to shew so great a Concern. This I do not take the Boldness to offer to your Royal Highness, without having first consulted those that are best versed in the Rights and Privileges of the Ports, and having waited on my Lord Keeper, and Mr. Justice *Moreton* (who has late frequently Judge of Assize for that County, and observed several Felonies committed within the Ports to have been tried in the Assizes for the County).

MY Lord Keeper, having considered the whole Matter, was pleased to direct, that the Examination of those in hold should be taken before Mr. Justice *Moreton*, which cannot be any Prejudice to your Royal Highness, either as Lord Warden, or Admiral of the Ports; and tho' his Majesty's Order in Council gave me Power to examine them, I thought it safest to wait his Majesty's further Pleasure, since that where there is no doubt concerning the County and Place where the Felony was committed; and since that the Offenders were taken, not upon the Water, but upon the Land, I could not think that Examinations taken before me, would be any Evidence at the Trial; and now there remains no more (as I humbly conceive), but to receive his Majesty's Order for the removing of the Prisoners to their Trial in the County of *Kent*; unless your Royal Highness does find some especial Cause (which does not yet appear to me) to have them proceeded against by a special Commission within your Cinque Ports. All which is submitted to your Princely Wisdom.

*L. Jenkins.*

### *To the KING.*

*May it please your Majesty,*

**I**N Obedience to your Majesty's most gracious Order, I have advised with your Majesty's Council in the Civil Law, touching the Concern of the *Sieur Chromston*, a Subject of *Sweden*, now depending before your Majesty; and we do concur in the Points following:

1. THAT



1. THAT the Obligation from the Treaty with *Sweden*, for taking Security from private Men of War, hath been fully comply'd with on your Majesty's Part, good Bond having been once actually given in this Case; nor is your Majesty's Exchequer liable to answer the Damage sustained; all that the Article requires on your Majesty's Behalf having been duly performed and executed.

2. THAT whether the Bond in Question was sealed and delivered in *Scotland* or in *England*, your Majesty may please, if it be transmitted, or remaining in the Registry of the Admiralty of *Scotland*, to order the Register of that Court (who by his Office stands chargeable with it) to transmit hither the Original Bond; That the Petitioner may have the Remedy which the Law affords upon a Bond against the Sureties living in *England*, it being usual in Aid of Justice, as in all other Places of *Christendom*, so in these your Majesty's Two Kingdoms, to have the Benefit of Law and Execution where the Obligors in a Bond do live, tho' the Bond it self were not made in the same Kingdom.

THIS is the constant Usage in all Parts where the Civil Law obtains, and I my self can, upon Experience, witness the Practice of it in *Scotland*; for a Merchant of *Aberdeen*, having become bound to me in a Statute Merchant of 3,000*l.* in the Manner and Form peculiar to *England*, (I being intrusted for a Stranger) have been lately forced to sue that Statute Merchant, and having transmitted the Original Bond into *Scotland*, I have had very good Justice before the Lords of your Majesty's Sessions there, and Execution against the Party, tho' there be no such Form of Obligation as our *English* Statute Merchant is, received or known in *Scotland*.

3. If the Register of the Admiralty of *Scotland* has delivered out the Bond, without sufficient Power so to do, he himself is responsible for the Damage, but must be sued in *Scotland*; if he hath done it by Warrant from the Lord High Admiral, or by a Judicial Decree of Court, he must certify such Warrant or Decree *per extensum*, that your Majesty may judge of the Grounds and Sufficiency of it; and if the Register were sufficiently impowered to deliver it out, the Petitioner must have Recourse against the Lord High Admiral for giving such Warrant; or against the Judge of the Court for making such Decree, if such Warrant or Decree were passed, without observing Solemnities in Law required in such Cases.

4. THAT if the Bond was not sent into the Registry of *Scotland*, but cancelled or delivered up here in *England*, 'tis humbly conceived, that there may be Remedy had (which I submit to better Judgment) either in Equity against the Sureties and their Complices for Fraud and Combination; or in Law, by Action of the Case against those that cancelled or delivered up the Bond.

THAT Execution of the Sentence given by the Delegates in this Cause, will not lie nor have Effect against the Sureties in the Bond in Question, since they were not Parties to the *Sieur Chromston's* Suit, either in the Admiralty, or in the Delegates; neither did they give Bail, for the principal Offender to pay what should be adjudged against him in either of those Courts. All which, &c.

L. Jenkins.

### To the KING.

*May it please your Majesty,*

IN Obedience to your Majesty's most gracious Order hereunto annexed, I have considered the Allegations of the *Sieur Chromston*, Subject to the King of *Sweden*, who petitions to be repaired of a Spoil acted upon his Goods in the *Swedish* Ship *St. Jacob*, at Sea, by *William Gerrard*, Master of the *Fansan* Ketch, to the Value of 280*l.* Sterling, in 1666, being the Heat of the *Dutch* War.

THAT there was such a Ship plundered by the *Fansan* Ketch, and that the Goods plundered belonged to *Abraham Corke*, *Monetarius Regius*, as he is styled, of *Sweden*, appears partly by a Passport from *Stockholm*, under the Seal of the Royal College of Commerce, in the Form required by your Majesty's Treaty with *Sweden*, which was found on Board the Ship; partly by the Intimations judicially given to the Admiralty, concerning the Design of this Ship's Lading for *London* long before it was taken, tho' the Pass and Bills of Lading on Board were pretended for *Bordeaux*, the better, as 'tis alledged, to pass the *French* Capers; partly by your Majesty's Order the 12<sup>th</sup> of *October* 1666, for freeing this Ship, and that the Captor should repair all Embezzlements and Spoil committed upon it; and partly by Extracts of Letters sworn to, that passed between the *Sieur Corke* and his Correspondents there upon that Occasion.

So that upon the whole Matter, there is little doubt but that the *Sieur Corke* suffered a Loss to the Value of 280*l.* Sterling, which is the Sum deposed of by the Master and two of his Company, in the Admiralty; and as little doubt, but that *Gerrard* and



and his Company, or the Executors of such of them as are since dead, are compellable by Law to make full Satisfaction for this Spoil.

BUT the Question put to me is, whether Captain *Gerrard* being since dead, and (as supposed) insolvent, your Majesty be in any wise obliged, by the 18<sup>th</sup> Article of the last Treaty with *Sweden*, to satisfy the *Sieur Corke* for this Spoil.

IF this *Fanfan* had been a Privateer, and had committed this Spoil, without having first given the Security required by that Article to be taken from all Privateers, for not injuring or molesting the *Swedes*, I do humbly conceive this Loss were to be repaired (as it is expressly therein provided) out of the Publick Purse: But for the Mischief done by this Ketch, which was not in your Majesty's immediate Service and Pay, there is no such Provision made in that Article. The Captain indeed of a Man of War thus offending, is to be punished very severely; and it is added in the Article, that all Care shall be taken to indemnify the Party injured, in all his Damages and Interests, according to the Merits of his Cause.

THIS being the full Import of the Clause, (if I understand it rightly) as far as it concerns the King's Men of War on either Side, it seems to oblige your Majesty to do all that can be done in Favour of Justice, and in Execution of your Laws, in order to bring such an Offender to make full Reparations; but if he should prove insolvent, or an Outlaw, I do not see any Words in this Article that oblige your Majesty to reimburse the Party damaged out of your own Exchequer. If a Subject of either Kingdom should turn Pirate, and should without any Commission at all, either as King's Man of War, or Privateer, rob the Subjects of the other; in this Case all Assistance might be justly challenged to bring the Pirate to Punishment, and to be indemnified out of his Estate; but if he have not wherewithal, it is not said in this Article, that the Publick is to reimburse the Sufferer.

THIS of satisfying the Sufferer out of the Publick Purse, is limited to the Case of a Privateer only, doing Mischief to a Subject of *Sweden*, and so *vice versa*; but it does not hold if there be Security taken in 1,200 *l.* Sterling, as the Treaty requires. So that the *Fanfan* Ketch being no Privateer, I do not conceive, with Submission, that this Act does give any Title to the *Sieur Corke* to be reimbursed by your Majesty, but must be left (unless your Majesty's meer Royal Bounty does interpose) to prosecute the Law against Captain *Gerrard's* Executors, or such others as were Actors or Receivers in this Spoil. All which, &c.

*L. Jenkins.*

*To the Right Hon. the Lords Commissioners of the Admiralty.*

MY LORDS,

*Dofors-Commons, June 29. 1674.*

I Humbly take Leave to offer to your Lordships, the adding of one Point more to those Directions that have been already sent to the Vice Admiral of *Norfolk*: It is, that he would seize all the Goods that the *French* Caper, or any other for him, hath sold or disposed of; the Restitution of the Goods being by the 21<sup>st</sup> Article of the Treaty of *Breda*, to be made in *Specie*, which the Buyers, by alienating and imbeziling of them, will difficult as much as they can; and put the Proprietors, who have Right to them by that Article, to a long Run at Law; in which the Court of Admiralty may not unreasonably expect the Proceedings, which your Lordships are pleased to direct in this Affair, to be interrupted with Prohibitions from the Common Law, upon Suggestion, that the Sale by *Chandler* was *infra Corpus Comitatus*, &c. However, I shall call the said *Chandler* by Process to answer Articles, &c. and give your Lordship the best Account I can. In the interim, I do conceive, that as soon as your Lordships, by means of the Vice Admiral, shall become possess'd of the Goods landed and sold, or else of the true and full Value of them, for the Use of the Proprietors, there will be no further Reason to continue the Seizure upon this Prize, if the *French* Caper desire it to be taken off, and may have it away with him. For a neuter Prince is not in Favour of one Friend, to make the Condition of another Friend, who is come into his Ports, worse than it was when he came in thither, by any Thing done by his Authority, further than his Obligation by special Treaty with the one or the other Friend ties him. I shall further presume, MY LORDS, humbly to observe, that if the *French* Caper hath in Fact sold no more of the *Dutch* Lading than what he shall make appear to have been necessary to revictual, refit, and enable him to reach the first Port of *France*, the Sale is justifiable by the Treaty, and not to be rescinded, yet the Buyers and Brokers being the King's Subjects, deserve to be punish'd; since every such Sale is not to be permitted, without Leave first had from the Vice

Vice Admiral or Judge in those Parts, upon the Capers Remonstrance, and legal Proof of the Necessity he was in to break Bulk, and sell for his own Preservation. For I do not, under Correction, conceive, that the Suggestion in the Memorial, viz. that the *Dutch* Prize had not yet been in any Port of *France*, nor legally adjudged to the *Caper*, doth concern his Majesty or your Lordships, since his Majesty is no further Judge between them, than the Law of Nations, the Honour of his Ports, and the due Execution of his own Treaties, constitutes, or rather necessitates him to be in such Cases. All which I humbly submit, &c.

L. Jenkins.

To the KING.

May it please your Majesty,

Defters-Commons, Aug. 29. 1674.

HAVING, in Obedience to your Majesty's most gracious Order of Reference, examined the Meirts of the Petition annexed, I do find by sufficient Proofs, that Mr. *Sowton* is a Merchant in *London*, that hath for several Years last past, and doth at this present, drive a considerable Trade in Pitch and Tar.

THAT he hath contracted with the Directors of the Tar Company of *Stockholm*, for 1,400 Lasts of Pitch and Tar, to be delivered him every Year; that the Company hath covenanted with him, not to sell, or send away any Pitch or Tar to any other Person than himself in *London*.

THAT he hath laden 35 Lasts of Tar, and 24 Lasts of Pitch, of the said Quantity, for his own proper Account, on Board the Ship called the *Bergsstadt* of *Stockholm*, and consigned the same to *Thomas le Gondre* at *Rouen*, there to be disposed of for his Account; the said *Sowton* alone running the Risque of it, no other Person having directly or indirectly any Interest therein, either at this present, or at the Time of Lading.

THAT this Ship being in her Course for *Rouen*, is brought in by a Privateer, having a *Spanish* Commission, into *Ostend*, and Proceedings are there now depending against the Pitch and Tar, to make it Prize to this *Ostender*; the Letters of Advice from thence purporting, that by special Direction of the Governour of the *Spanish Netherlands*, Pitch and Tar are to be held for contraband Goods.

THERE is not any Pretence to make the Pitch and Tar belonging to your Majesty's Subjects to be contraband; these Commodities being not enumerated in the 24<sup>th</sup> Article of the Treaty, made between your Majesty and the Crown of *Spain* in the Year 1667, are consequently declared not to be contraband in the Article next following. The single Objection that seems to lie against the Petitioner in this Case is, that this Tar and Pitch is found laden, not in an *English*, but a *Swedish* Bottom, as by the Proofs and Documents on Board it doth appear; and consequently that the Benefit of those Articles in the *Spanish* Treaty cannot be claimed here, since they are in Favour of our Trade in those Commodities, that shall be found laden in our own, and not in Foreign Bottoms.

BUT it is not probable that *Sweden* hath suffered or allowed, in any Treaty of theirs with *Spain*, that their own native Commodities, Pitch and Tar, should be reputed contraband. These Goods therefore, if they be not made unfree by being found in an unfree Bottom, cannot be judged by any other Law, but by the general Law of Nations; and then I am humbly of Opinion, that nothing ought to be judged contraband by that Law in this Case, but what is directly and immediately subservient to the Uses of War, except it be in the Case of besieged Places, or of a general Notification made by *Spain* to all the World, that they will condemn all the Pitch and Tar they meet with.

So that upon the whole, your Majesty's gracious Intercession for, and Protection to the Petitioner in his Claim, will be founded, not upon the Equity and true Meaning of your Majesty's Treaty with *Spain*, but upon the general Law and Practice of all Nations. All which is humbly submitted, &c.

L. Jenkins.

To the KING.

May it please your Majesty,

June 15. 1675.

I Have, in Obedience to your Majesty's most gracious Order in Council, perused the several Papers transmitted to me, concerning the two Ships the *St. Andrew* and *St. John*, and do find, by several Depositions made by and in Behalf of the *Swedes*, that the said Ships being in their Course towards *London*, were, on the 13<sup>th</sup> of *March* last, surprized between *Oldfernes* and *Tarmouth*, by a private Man of War, having a Commission from his Electoral Highness of *Brandenburgh*; that the said Ships, with some

some of the private Man of War's Men put on Board them, were since driven by contrary Winds into *Dover*, and there arrested at the Suit of the Envoy Extraordinary, now residing at your Majesty's Court, from the King of *Sweden*.

As to the precise Place where these Ships were taken, upon which the main Question depends, the Matter of Fact is sworn by six several Persons, that they were first shot at, and seized near the *English* Shoar, between *Oldsernes* and *Blystart*, two whereof swear more particularly, that it was done about a League and a half from the *English* Shoar; that the said private Man of War, both before, at, and after the Seizure, had the *English* flag up and flying, and that it was not taken down, nor the *Brandenburgh* Colours let up, nor did the Captain thereof pretend any Commission from his Electoral Highness, till after he had possessed himself of the said Ships, and secured the Masters and several of their Men on Board his own Vessel, and till after he had gotten under the same Masters Hands, the Names of their Owners and Freighters, who were all Subjects of the King of *Sweden*. The Deponents add, that they did at first believe the said Privateers, by Reason of the *English* Colours, to have been an *English* Ship, otherwise they would not have submitted themselves, but would and could easily have escaped by running ashore, or into Harbour.

THE Matter of Fact being sworn on the *Swedish* Side to be thus; I do humbly conceive that here is a Proof made of an Affront, and a Violence done to one of your Majesty's Chambers; where, by the Law, all Merchant-Men are in Safeguard, and all Hostilities whatsoever are to cease, and where all Parties, tho' in Enmity, (with one another) are equally to pay a Reverence to, and enjoy the Benefit of his Majesty's Protection. And therefore your Majesty hath an undoubted Right to punish the Commander of the said Privateer, for the Insolency he hath committed. Which Punishment would not be adequate to his Offence, if he or his Men should be suffered to carry away the Fruits of a Rapine, acted contrary to the just Permissions of War, and in Defiance of your Majesty's Authority, extending it self to protect all your Friends indistinctly. Nor is such a Punishment, (as I humbly conceive) any Disrespectt or Prejudice to the Commission given by his Electoral Highness of *Brandenburgh*, much less a favouring of one Side more than the other, in the Differences between the Crown of *Sweden*, and his Electoral Highness: Since that which seems to have been suggested to his Electoral Highness, viz. that the Privateer had taken these Ships *en plein Mer*, (as his Letter to your Majesty purports) is not seconded with Offers of Proof on the Privateer's Side, who being without peradventure the Author of that Suggestion to his Electoral Highness, ought to have taken Care to make it good here in your Majesty's Admiralty. So that there being so many Oaths made, (tho' of Persons interested) that the Vessels were surprized and seized upon your Majesty's Shoar, and within one of your Chambers, and also under the Pretence, and with the unsufferable Abuse of your Majesty's Flag; and there being no Proofs so much as offer'd on the private Man of War's Side, to evince the contrary; it is my humble Opinion, that the *Swedish* Proprietors be (by your Majesty's Justice in asserting your own Rights) put into full and quiet Possession of the said Ships and Goods; they first giving Security to answer your Majesty (and not any other Persons) in the full Value of those Ships and Goods, upon an Appraisement to be made, in Case your Majesty shall, within 6 or 12 Months, find upon due Proofs that the Surprize and Seizure of these Ships hath not been made in any of your Majesty's Chambers, but upon some other Part or Place of the Seas, where Hostilities are usually permitted.

IN discharging the Ships upon such a Caution or Condition, there will be a Liberty reserved for the Envoy Extraordinary of his Electoral Highness, or any other in that Behalf, to make out, if they can, that the first Seizure was legal, and not under your Majesty's Flag, nor in any Place privileged by your Majesty's Laws, and consequently to recover, by your Majesty's Justice, the Value of these two Ships and their Lading.

THIS, I hope, will be judged the fairest Regard that can possibly be had to the Commission of his Elector Highness in this Case, since the Honour and Inviolableness of those ancient Sanctuaries (the King's Chambers) upon your Majesty's Coasts, cannot, as I conceive, be otherwise asserted. All which I humbly submit, &c.

L. Jenkins.

To the Right Hon. the Lords Commissioners of Prizes.

MY LORDS,

Debate-Commons, June 26. 1675.

I Have, in Obedience to your Lordships Order of Reference, examined the Petition of Mr. Corfelli, who, on the Behalf of one *Hunckin* of *Hamburgh*, claims 4 Casks of

of Indico, 12 Barrells of Sugar, and 69 Bags of Ginger, laden at *Rochel* in *April* 1672, on Board the *Golden Serpent*, (called by Mr. *Corfelli*, the *Golden Serpent* of *Hamburgh*, but in the Bill of Lading, and Acts of Court, called the *Golden Serpent* of *Copenhagen*) *Cl. Hendrickson* Master; these Goods, being Part of the Lading of the *Golden Serpent*, were brought into *Plimouth*; the Ship it self, with Brandy, Wine, and other Goods, have been (on the 12<sup>th</sup> of *June*, and 25<sup>th</sup> of *September* 1672, by Sentence first in the Admiralty, and afterwards upon an Appeal to your Lordships, on the 5<sup>th</sup> of *Febr.* 1673, and the 2<sup>d</sup> of *May* 1674.) restored to their respective Proprietors; the rest of the Lading (that Part of it only which was first restored by the Court of Admiralty, and then by your Lordships, excepted) hath, ever since the 12<sup>th</sup> of *June* 1672, stood condemned by Sentence in the Admiralty, and among it the aforesaid Goods claimed by *Corfelli* for *Hunekin* of *Hamburgh*.

It does not appear that *Hunekin* hath ever made any Legal Claim of the Goods in the Admiralty, nor that he hath had Recourse to your Lordships by way of Appeal, as legally he might, and regularly he ought to do; but he petitions that certain Papers might be referr'd to me, to examine of what Force they are, and to report the same to your Lordships. Wherein I shall beg Leave to observe, that if I should report the said Papers to contain in them a full Proof of *Hunekin's* Property, and consequently that they are a sufficient Ground for Restitution, I cannot comprehend, under Correction, how the Right acquired to the King, by the Sentence of Condemnation in the Admiralty, can be taken away, but by another Sentence upon an Issue joined with the King's Proctor in this Case; if, on the other Side, I should report the Papers exhibited to be insufficient, my Report would not be a sufficient Ground, as I conceive, for your Lordships to give Sentence in Affirmance of mine, for want of having the Case substantiated before your Lordships by Issue joined, whether the Sentence I gave here below was a good Sentence or not; for tho' your Lordships have (in Favour of the King's Allies, and with Regard to his Treaties) great Power and Latitude, as Lords Commissioners of Prizes, to proceed by a summary Inquisition, where Ships are brought in upon Suspicion of being Prize, in order to their Discharge without the Rigours of Law; yet when a Sentence is once pronounced for the King's Right in a Prize in his Court of Judicature, I know not how that Sentence may be reversed, and the King's Property altered, but by another Legal Sentence pronounced in Judgment in Disaffirmance of the first.

UPON the whole Matter, MY LORDS, all that can be done for *Hunekin* in this Case, as I humbly conceive, is to admit him to put in his Appeal before your Lordships, upon Motives in Equity, if any do appear, since he hath otherwise lapsed his Time, and to put him to a Legal Proof of his Property. It is true, there may by Law a Review be made in the Admiralty of the Sentence, whereby *Hunekin's* Goods have been condemned, since it was pronounced in his Absence, and *in pœnam* of his Contumacy; or else it may be done before your Lordships, upon his Appeal from the Sentence given in his Absence; which last Way will be more in Favour of him, in Regard that if he begin below in the Admiralty, he must be subject still to an Appeal to your Lordships.

BUT to give your Lordships an Insight into the several Papers, which I am commanded by your Lordships to examine, they are no more than a Bill of Lading, a Factory, and *Hunekin* the Claimer's Oath, taken before the Magistrates of *Hamburgh*; whereby he deposeth, that those Goods were bought with his own proper Money, and were laden for his own Account, and that no other Person hath any Part or Interest therein: But in such a Case as this, where Goods stand condemned out of the same Bottom, and where no Claim hath been exhibited in Form of Law, a stronger and clearer Proof might have been expected, and not unreasonably; as for Example, 1. The proving of his Letters of Order to *Manigauld* the Lader at *Rochel*, for the buying of this Quantity, and the Kind of Goods; and consequently the exhibiting of his Books, Merchantably kept, before Commissioners, where the Entry of such Letters was made. 2. A Sight of the Original Letters of *Manigauld*, whereby he adviseth *Hunekin* of the accepting of his Commission, and how he had executed the same, where, without doubt, there would have appeared a Reason, why he chose to lade these Goods for *Hamburgh* on a *Danish* Ship. 3. By what Means, in what Manner, and at what Time, *Manigauld* at *Rochel* was reimbursed the Value laid out by him in buying the Goods for *Hunekin*. Such Proofs as these are made without Difficulty, and beyond all Exception, when the Merchants claiming are in *bonâ fide*; but how far *Hunekin* is so in this Case, cannot, as I humbly conceive, be discerned out of the Papers abovementioned transmitted to me, in order to make out his Property in the Goods. All which I humbly submit, &c.

L. Jenkins.

To the KING.

May it please your Majesty,

Sept. 14. 1675.

I Have, in Obedience to your Majesty's most gracious Command, intimated to me by the Right Honourable Mr. Secretary *Coventry*, perused several Depositions and Papers transmitted to his Excellency the Lord Lieutenant of *Ireland*, relating to one *Cheline*, a French Privateer, now in hold in *Ireland*. By which it appears,

1<sup>st</sup>, THAT the said *Cheline* surprized, seized, and by Force carried away a Dutch Vessel, called the *North Caper*, laden with Norway Timber, out of the Road near or upon the Bar of *Dublin*, and sailed to *Brest* in *Bretagne*, carrying along with him by Force two of your Majesty's Subjects, that happened to be on Board at that Time the said Ship.

2. THAT he pillaged and robbed three several Ships in his Courses in the Neighbour Seas, all belonging to your Majesty's Subjects, one of a Quantity of Beef, another of Butter, a third of Wine.

3. THAT at the surprizing of the Dutch Vessel, there were, as appeared afterwards upon the taking of *Cheline*, two of your Majesty's Subjects on Board the Privateer, and under his Command in those Actions.

It being your Majesty's gracious Pleasure to require my humble Opinion, how far those Criminals may be prosecuted by your Majesty's Laws, and what is fittest to be done in this Matter?

For the 1<sup>st</sup> Offence, of carrying away a Ship belonging to a Subject of your Majesty's Allies, out of your Majesty's Port, and from under your Protection, I humbly conceive it may be enquired of, and tried before Commissioners of Oyer and Terminer, by virtue of the Statute of 28 *Hen. VIII. c. 15.* as a Confederacy within the purview of that Statute, acted and executed to the Violation and Affront of your Majesty's Authority, and of the Protection due to all Mankind (that are not your Enemies) in your Ports; but the Punishment of this Violation (since neither this Statute, nor any other Law that I know of, makes it capital) is to be no greater, than by a Fine proportioned to the Insolence, and by Imprisonment of the Captain, his Officers and Crew, during your Majesty's Pleasure.

2<sup>dly</sup>, As to those Provisions or Victuals that this *Cheline* pillaged your Majesty's Subjects of, his Danger will be greater; for, as I humbly conceive, he may be indicted upon the same Statute, in the same Manner as if this Robbery had been committed upon the Land; and if that which he did at Sea be found in the Value of the Things taken away, and in the Manner of doing it, to amount to that which the Law of *England* would have made Robbery if acted upon the Land, and he being thereof convicted, will have Judgment of Death given against him as a Felon, and without Benefit of Clergy. The same, I conceive, will be the Case of as many of his Officers and Crew, as shall be found Principals with him in these Facts, of pillaging the *English* Ships.

BUT *Cheline*, upon his Examination, pretends, that he gave a Bill for the Wine to the Master from whom he took it; 'tis true, there is a Clause in the Statute, that saves those that, being compelled by Necessity, shall take Provisions at Sea, and either pay for them, or give sufficient Bills for Payment; and so he may be cleared, if he satisfie the Jury concerning the Wine; but whether he have the same Plea for the rest of the Goods, doth not appear. Nor can his Commission of War (which, for ought I can perceive by the Copy, is in due Form) be extended to excuse him; for that Commission is against the Enemies of the Most Christian King; but the pillaging of that King's Friends, is made Death even by the Law of *France*.<sup>1</sup> *Ordonnance du Roy Hen. III. sur le fait de l'Admirauté Artic. 64.*

ALL these Proceedings to be had before Commissioners of Oyer and Terminer, I humbly offer to Consideration, upon Supposal that there is a Statute now in Force in *Ireland*, of the same Tenor and Purport with that of 28<sup>th</sup> of *Hen. VIII. c. 15.* for the trying of Pirates. So that I do not see any Difficulty, but that your Majesty's Ministers of Justice there, may bring this *Cheline* to answer the Law, and suffer according to his Demerits. Nor will there be any Pretence of *Renvoy* into *France* to be tried there, since that is a Practice not observed in *France*, (nor any where else that I know of) where your Majesty's Subjects happen to be deprehended in capital Crimes. Such a *Renvoy* may indeed be provided for by Treaty, and sometimes hath been put in Practice upon special Considerations, and in Crimes of State: But I know of no such Article with *France*, nor is it usual any where in Cases of this Nature, or in Persons of this Condition.

As

As for the *Englishmen* that were on Board this Privateer, if they escape hanging as Pirates with the *French* Captain, for robbing their Fellow Subjects, they may, as I conceive, be fined and imprisoned too, for taking Arms under a Foreign Prince, without your Majesty's Leave, and contrary to the Law and your Majesty's Proclamation. However it will be worth the Enquiry strictly, how he (especially) that pretends to have been once Master of a Ship, and to have lost it, is come to follow this Trade. For there are some Masters of Ships that take up great Sums of Money upon Bottomry, and then wilfully cast away their Ships, (which is Felony by the Law of *England*) and then they betake themselves to privateering with Foreigners, which is an intolerable Abuse, and is one of the Causes among many others, of Masters of Ships, that Merchants make use of foreign Bottoms, rather than our own, to the great Decay of our Shipping, and Prejudice of Trade. All which I humbly submit to your Majesty's Royal Wisdom.

L. Jenkins.

To the KING in Council.

May it please your Majesty,

Novem. 20. 1675.

I Have, in Obedience to your Majesty's most gracious Order in Council, called before me the Parties concerned in the *Hope of Hamburg*, as well the Privateer and his Company on the one Side, as the interessed in that Ship and Lading on the other, in Order to take such Proofs as either Side should offer, to ascertain the true and distinct Place upon your Majesty's Coast, where the said *Hope of Hamburg* was taken by the *French* Privateer. The interessed did hereupon alledge their Matter, produced their Witnesses, and published their Depositions within the Time prefix'd.

But the Privateer took Exceptions, and demurr'd to the Jurisdiction of the Admiralty; alledging, that he was to make his *Rapport* in *France*, according to the marine Ordinances, and not in any other foreign Judicature or Place whatsoever: This Exception or Demurr was overruled, the Court of Admiralty not demanding any *Rapport* from him, or Account of his Proceedings, *ex officio*; but proceeding at the Instance of a Party, *viz.* the *Hamburgher*, which alledged the Capture to have been in a Place privileged, and consequently to have been void: The laying Claim to your Majesty's special Protection, as of Right due to him in this Case, it was necessary to find out, and fix the true and distinct Place where the Capture was made, that being the Hinge upon which this Question turns: for it seems to me undoubted, that if the Privateer took this Prize in a Place, where neither your Majesty, nor your Royal Progenitors, have used to interpose in the Hostilities of Neighbours in War, the Privateer ought to be dismissed with his Prize (excepting the Goods of *English* Property on Board it): But if he took it in such a Place, where by the Laws of this Realm, by the Custom of these Seas, and by the Practice of all Neuter-Territories, your Majesty's Officers are bound in Duty to keep the publick Peace, and to restrain all Hostilities and Violences between all Nations whatsoever, this *Hamburgher* is to be defended in, or at leastwise restored to his Property, no less than if the Attack had been upon his Person or Goods in *London* Streets.

THE Witnesses produced by the interessed were four, *viz.* two of the Ship's Company, the Master and Steersman, both of them Natives of *Hamburg*; the other two were Passengers. They all four depose;

1. THAT this Ship was bound from *Hamburg* to *London*. 2. That in Prosecution of their Voyage, they did arrive on the 18th of *September* upon the *English* Coast, about half a League within the Beacon of *Ordforne*: their Words are, — within the Channel before the Church of *Ordforne*, about a Musquet Shot from the Shoar. 3. They all four depose, that they had cast Anchor at five Fathom Water, and were at their Prayers to give God Thanks for their safe Arrival, when the Privateer first hailed them. 4. They depose, that the Privateer coming along the Shoar from *Harwichward* hailed them, and attempted to come on Board, but could not at that Tide, it running too strong against them; that when the next Flood came, seven of the Crew, out of the Privateers Boat, armed with Swords and Pistols, came on Board the *Hope*, and carried her away. 5. The Master deposeth, that he had made about forty Voyages between *Hamburg* and *London*, and that he ever heard and took the Place in Question, to be within the King's Chambers, and the Steersman says to the same Effect. This is all that I conceive is material in those Depositions, to design and fix the particular Place of the Capture.

THE Privateer, after long delaying, and with Protestations not to submit to the Jurisdiction of the Court, produced on his Behalf but one Witness, *viz.* Mr. *Thomas Langley*, the Mayor of *Harwich*; all he deposes is to this Effect, — That *Andreas Rump*,  
Vol. II. Ccccc 2 Master



Master of the *Hope*, did declare, (being examined by him the said *Langely* as Mayor of *Harwich*) that his said Vessel was taken about a League from *Ordforne*, which said Place (saith Captain *Langely* in his Depositions) is at least four Leagues out of the Reach of *Languard* Fort Guns, and more than five without the uttermost Buoy of the Gunfleet. Which said Place of *Ordforne*, he says, was never accounted, by experienced Persons, to be within the King's Chambers; and saith, that he, as Master and Commander of several of his Majesty's Ships, hath often sailed by the aforesaid Place of *Ordforne*, and if it had been within the King's Chambers, he must needs have known it. To another interrogatory he answereth, that he is a Member of the *Trinity-House*; that he hath used the Sea about thirty four Years; that Ships do cast anchor, and ride at the aforesaid Place of *Ordforne*, but that it is no Place of Safety. In the rest of his Depositions, I have not observed any Thing further material in this Point. There was exhibited likewise a Certificate of one *Francis Izod*, Deputy Governour of *Languard* Fort; but in that I find no more of the Place of the Capture, but that the *French* Privateer took the *Hope of Hamburgh* off *Ordforne*, about 12 Miles distant from *Languard* Fort.

THIS, may it please your Majesty, is all the Evidence now in the Admiralty, touching the special distinct Place where this Capture was made.

As to the Credit of these four Witnesses, that were in the *Hope*, I shall not presume to say more, than that the marine Law sets a great Value upon the Testimony of Passengers (as here are two) where they are not interessed in the Success of a Suit.

I humbly beg leave to take notice, that the Inference which Captain *Langely* labours to make in his Depositions, (as if the reach of *Languard* Fort Guns, or the outmost Buoys in the Gunfleet, were the Limits of your Majesty's Chambers there) is a Contradiction, not only to a most solemn ancient Verdict of twelve Men upon Oath, remaining upon Record, and publish'd all the World over, but also to an universal Tradition amongst us touching the King's Chambers, and consequently a great Injury to the Crown: I am sorry to see an *Englishman*, and a Member of *Trinity-House*, (as he says he is) should make a Journey from *Harwich* hither, and be the only Witness produced to this Effect in this Case; it is to be feared, that the Depredations daily committed upon these Coasts, have too much Connivance, if not Countenance, at *Harwich*; for it is sworn directly by two Witnesses, that the Vessel was trimm'd up and furnish'd with Arms at *Harwich*, at the Charge of one *Andrew Carr*, the Postmaster there. This Mr. Mayor ought to have taken notice of and prevented; (for it was very notorious) not only because this arming and equipping is against the present Neutrality, and several of your Majesty's Treaties, but also that it is a more unsufferable Abuse, that a Vessel, *English* built, mann'd with *English* (except the Captain) and some of them Pirates convict, but pardoned, should be suffer'd to go out of your Majesty's Port, under Pretence of a foreign Commission, being neither able, or designing to do any Thing, but to disturb the Trade and Commerce to and from your Majesty's Ports.

BUT the Question here being, as the Fact is stated, not whether the Prize was seized in one of the King's Chambers, but whether it was taken out of a Port, Haven, or Road, at leastwise out of a Place that comes naturally and properly under one of those Denominations; and your Majesty having reserved to yourself to declare your Determination and Royal Pleasure therein, I shall only lay before your Majesty the Words of your Royal Proclamation, dated the 8th of February, 1667-8.

“OUR Will and Pleasure therefore is, 1st, That within Our Ports, Havens, Roads and Creeks, as also in every other Place or Tract at Sea, that may be reasonably construed to be within any of these Denominations, Limits, or Precincts, there shall be an inviolable Truce and Cessation of Hostilities between all Persons and Parties whatsoever: And that no Force, Violence, Surprise, or Offence, shall be done either from Man of War to Man of War, or from Man of War to Merchant, or from Merchant to Merchant, that happen to be in Hostility the one against the other. But that all, of what Nation soever, so long as they shall be within Our Ports, Harbours, or other Places, reputed to be within Our more immediate Protection, and where Our Commanders and Officers are accountable for the publick Peace, shall be understood to be under Our special safe Conduct, and must keep the Peace inviolably each with other. And We do further declare, that the Ships and Goods of all Aggressors, Actors, and Offenders whatsoever, against the true meaning of this Our Proclamation, are and shall be *ipso facto* confiscate, and proceeded against in Our High Court of Admiralty, to Sentence and Condemnation, according to Law, notwithstanding any Commission of War, or Letters of Reprizals, such Offenders may have, or pretend to have, for their Justification.

“ 2. We will and command, that all our Officers and Subjects by Sea and Land, do, as much as in them lies, prohibit the roving and hovering of Men of War, so near the Entry of any of our Harbours, or our Coasts, as that Merchant-Men homeward or outward bound, to and from any of our Ports, shall apprehend their Passage to be unsafe, or their Danger of being set upon and surprized; to the hindering and diverting of Trade and Commerce from Our Ports: And We strictly charge and require Our Officers and Subjects, to rescue, succour, and defend, all Merchant-Men and others, that shall happen to be set upon, or surpriz'd so near Our Coasts, or the Entry of Our Harbours, as may easily be construed to be under Our more special Care and Protection; and that they apprehend and seize all Offenders in this Kind, in order to bring them to condign Punishment, for disturbing and hindering the Trade and Commerce between our Subjects, and those of Our Neighbours and Allies.” All which, &c.

*L. Jenkins.*

*To his Excellency the Portugal Ambassador. Translated from the French.*

MY LORD,

HAVING perused the several Papers relating to the *Sieur Mareuil's* Pretension from *Don Francisco de Mello*, late Lord Ambassador of *Portugal*, it appears by Mr. *Mareuil's* own Affidavit, and by the Testimony of two other Witnesses, that he enter'd into the said Ambassador's Service in *July 1664*, as one of his Gentlemen; that in *1667*, he was made his Secretary, and continued in that Function till the Ambassador died in *July* last, which are *14 Years*. It appears also by Certificate from one of the Executors, who was also Steward to the said Ambassador, that Mr. *Mareuil's* Wages were *15 l. per Ann.* which amounted in *14 Years* to *210 l.* out of which he owns to have received at several Times *120 l.* and pretends there remains still in Arrear due to him *90 l.* but ingenuously adds, that if Mr. *Barboza* (who was Steward) will make Oath, that he hath received by his Hands, or with his Knowledge, any more Money for Wages from the said Ambassador, or by his Order, than the Sum of *120 l.* he will refer himself to his Oath, and be contented that such a Sum as he the said *Barboza* shall swear, that he, Mr. *Mareuil*, hath received over and above the said *120 l.* he defalked out of the *90 l.* which he now pretends to be due to him.

Mr. *Mareuil* alledgeth also upon Oath, that he often pressed in the Life-time of the said Ambassador, for Payment of the said Arrears, but was still put off; and 'tis certified by the two Executors, that he pressed the same since the Ambassador's Death; but that the Countess of *Penalva* would not concur with her Co-Executors, in paying the same. But it doth not appear by any sufficient Proof or Certificate, much less by any Attestation on Oath, that the Time of *Mareuil's* entering into the said Ambassador's Service is contested, or that there hath been any more paid to him than what he owns to have received.

So that, as far as appears to me, Mr. *Mareuil* is founded lawfully to demand the full Payment of the said Arrears of *90 l.* as a Debt due upon the Estate of *Don Francisco de Mello*, and his Executors.

As to the Exception, that Mr. *Mareuil* hath a Legacy given him by the Will of the Deceased, and consequently, that the Amount of that Legacy should be deducted and defalked out of the said Sum of *90 l.* it may be thus answer'd, that the dispositive Words of the Testament are pure and simple; nor is there any Thing in Proof, whereby the Intention of the Testator is made out to be otherwise.

BESIDES, by the Law and Custom of *England*, (where this Question, if it were between common Persons, were to be decided) Servants Wages are to be paid in the first Place, and before all other Debts, not due by Specialty or Writing; and if the Presumption of Law is, that when a Testator gives a Gift in the Nature of a Legacy, to one to whom he stands indebted, he intends it not in part of Payment of the Debt owing, but as a free Gift; for to intend or dispose otherwise, is but a meer Illusion, and to give nothing. I am, &c.

*L. Jenkins.*

*To the Right Hon. the Lords Commissioners of Prizes.*

MY LORDS,

May 30. 1674.

I Have, in Obedience to your Lordships Order, perused the Depositions taken, and the Proceedings had, both in *Scotland* and in this Court, touching the Ship the  
Tor-



*Tortoise* of *Nantes*, brought up to *Leith* in *August* last, and contended for between *Ramkin* a *Scotch* Privateer, and his Majesty's Sub-Commissioners in *Scotland*.

It is not contested on either Hand, but that this *Tortoise*, together with two Prizes more, the one, the *St. Peter* a *French* Vessel; the other, the *Mevis* an *English* one; was in the Possession of a *Flushing* Privateer, called the *Lamb*; and had been so for 5 or 6 Weeks before, when his Majesty's Frigate the *Nightingale* came up to them. And it is agreed, that the *Nightingale* engaged the Privateer, and chased him away; and that after an Hour's Resistance, and several Shot by him made at the *Nightingale*, she came up within half a Cannon Shot of him, and of the *Tortoise* also, he fled; leaving the *Tortoise* and his two other Prizes behind him, being no longer able to defend them. The *Nightingale* having thus chased away the *Dutch* Privateer, rendered himself Master of the *St. Peter* and the *Mevis*, two of his Prizes; but before he could come up to the third, which was this *Tortoise* in Question, one *Ramkin*, a *Scotch* Privateer, had made it strike, and had boarded and main'd it with *Scots*.

At that Time that the *Nightingale* came up to the *Tortoise*, a *French* Frigate, the *Galliard*, (that had been commanded to attend the *Nightingale*) was in Dispute with the *Scotch* Privateer, which of them two should have this *Tortoise*, the *Galliard* having chased it, and shot at it, but at too great a Distance; but *Ramkin* having first made it strike, and then boarded and possessed himself of it. However, the Captain of the *Nightingale* put some of his own Men on Board this *Tortoise*, who brought it to *Leith*, and delivered it to your Lordships Deputies there. The *Scotch* Privateer enter'd his Claim in the Admiralty there, that the *Tortoise* might be adjudged to him as Prize, which he had subdued, and taken by his own Force and Address. The Sub-Commissioners oppose him, insisting on two Things, 1<sup>st</sup>, That the *Nightingale* having chased away the *Dutch* Privateer, and disabled him from defending any longer the Possession he had of the *Tortoise*, was the sole Cause that the *Scotch* Privateer durst attempt it; as also that *Ramkin* had not assisted, or in the least contributed to the driving away, or keeping off the *Dutch* Privateer. The other Thing is, that the *Nightingale* was, at the same Time that *Ramkin* boarded the *Tortoise*, in Pursuit of her, and not much above a Cannon Shot from her; and that the *Nightingale* was so swift a Sailer, that the *Tortoise* (tho' *Ramkin* had not at all come in) could not possibly have escaped, and saved her self.

I do not find that *Ramkin* hath any Thing material to oppose to the first Point, his Force being not above 4 or 5 Guns, and the *Dutch* Privateer carrying 34 or 35. So that *Ramkin* did not, nor durst attempt any Thing upon him, or upon any of the three Prizes in his Possession.

THE 2<sup>d</sup> Point he doth contest, and there are three of his Crew that have deposed; That when *Ramkin* and his Crew boarded the *Tortoise*, the *Nightingale* was more than 9 *Scotch* Miles right under the Lee to the *Tortoise*; and that if they had not seized her, she might certainly have escaped the *English* and *French* Frigates; it being two in the Afternoon, (about the 28<sup>th</sup> of *July*) and the *Tortoise* a good Sailer.

To the Testimony of these three Men, is opposed the Legal Objection of their being Parties interested, and to have a Share, if this prove to be their lawful Prize: And also the Oaths of three of the *Dutch* Privateer's Company, whom he had put into this *Tortoise* to navigate it, are opposed to that Testimony: He that the *Dutch* Privateer had put in for Master in the *Tortoise* deposed, that when he was taken by *Ramkin*, they were in Sight of the *Nightingale*, and had been so all along since the *Nightingale* first engaged the *Dutch* Privateer; and that when the *Tortoise*, being shot at by *Ramkin*, struck to him, the *Nightingale* was not within Cannon Shot at that Time; (he being in Pursuit of the two other Prizes) but when *Ramkin* boarded it, he (the *Dutch* Master) cannot positively depose, if the *Nightingale* was within Cannon Shot or not. Another of those *Dutchmen* deposes positively, that when *Ramkin* boarded them, the *Nightingale* was not within Cannon Shot; so deposes the third; adding, that the *Nightingale* was making towards the *Tortoise*, when the *Scotch* Privateer did board it. One of these *Dutchmen* being upon a Re-examination interrogated, whether the *Tortoise*, if *Ramkin* had not boarded her, could have escaped the *Nightingale*? deposes negatively; giving for Reason, that none of the three Prizes was in any Possibility to escape, they being all at so near a Distance to the *Nightingale*, that considering the *Nightingale* the better Sailer, if any of them had attempted to fly, she had easily overtaken them. The *French* Master of the *Tortoise* being examined in this Court, deposes, that he was a Prisoner on Board the *Dutch* Privateer, when the *Nightingale* beat him off from his three Prizes; that the *Scotch* Privateer appeared not standing towards the Prizes, till the *Nightingale* had actually possessed the *St. Peter* and the *Mevis*; and that she was standing for, and very near the *Tortoise*, and made

made much Way upon her, when *Ramkin* came in; so that she could not have escaped the *Nightingale*. He deposes further, that the *Scotch Privateer* durst not have approached the *Dutch Privateer*; or any of its Prizes, nor could possibly have taken the *Tortoise*, had not the *Nightingale* first put him to Flight; that the *Nightingale* was a swift Sailer, and made twice the Way that the *Tortoise* was able to do; so that it was impossible for the *Tortoise* to have escaped the *Nightingale*. Thus the *French Master*.

UPON this Matter of Fact, MY LORDS, as it lies in the Proofs, it is my humble Opinion, that the *Tortoise* ought to be adjudged the lawful Prize of the *Nightingale*, the *Nightingale* having first, and alone, put it out of the *Dutch Privateer*'s Power and Protection, then having never lost Sight of it; but having had it still in View and in Chase, and in all the moral Certainties possible of undertaking and subduing, at that Time when the *Scotch Privateer* intervened. The Law in these Cases, in Favour of Courage and Industry, not allowing the Occupancy of one that casually intervenes, without encountering any Difficulty or Danger, to deprive a Man (that is in fresh Pursuit) of the Reward of his Hazard, and the Fruit of his Pains. And he who has so disabled his Enemy, that he hath not any Possibility, either by Force or Address, to escape him, is, in the Judgment of the Law, Master of him, notwithstanding any casual Interception, as soon as 'tis morally certain his Enemy cannot escape his Hands. But if it had been in the Proofs, that this *Scotchman* had met with any Resistance from the *Tortoise*, or assisted in beating off the *Dutch Privateer*, I should have been of Opinion, he ought to have been admitted to a Share in the Prize. All which, &c.

L. Jenkins.

### To the KING.

May it please your Majesty,

Feb. 23. 1670-71

IN Obedience to your most gracious Order, I have consider'd of the 16<sup>th</sup> Article of the late Treaty with the *French* at *Breda*; and do with all Humility lay at your Majesty's Feet these few Lines upon that whole Matter.

1. THAT by the Treaties of *England* made with *France*, in the Years 1606, 1632, and 1654. the Party wronged was to make his Pursuit for Reparation, first before the ordinary Courts of Justice, then before the King himself, where the Wrong was pretended to have been done; and if a Denial of Justice in both Instances was made manifestly to appear, Reprisals were to issue out, and not otherwise.

2. THAT in your Majesty's Treaty with *Spain* in 1667, and with the United Provinces in the same Year at *Breda*, the same Method of making Instances ordinary and extraordinary is indispensably prescribed, before Reprisals can be sued out; so it is in the Treaties between *France* and *Spain* at *Madrid* 1526; at *Perseu* 1598; and at the *Pyrenees* 1659. Nor do I know of any Treaty, either ancient or modern, wherein Provision is made for this Case, but it requires a Legal Process first in the Law Courts, then an Appeal or Supplication to the Prince or Supream Power, before such a Denial of Justice can be stood upon, as is to be repaired by Letters of Marque or Reprisals.

THAT the Word Denial of Justice, is express in all the forementioned Treaties, and is to be understood as a Term of Law, which presupposes Proceedings to have been had before a competent Judicature: For Reprisals being nothing else but Execution awarded (with some violent Circumstances) upon a Debt or Damage, the Debt must be first liquidated, and proved by due Course of Law, as in the Case of a private Debt between one Neighbour and another. And that Reprisals are governed both in the Process and Execution, by the strict Rules and Measures of recovering ordinary Debts or Damages, is evident, in that the Reprizer must have his Cause deduced, and his Losses, upon due Proofs, stated in his very Commission; and if he light on a richer Prize than his Losses are stated at, he must refund the Overplus by the Law.

I do not deny, but that Sovereign Princes in their Treaties may so alter and abridge the Solemnities of Law now observed all *Europe* over in this Case, as to reduce all Formalities to the hearing and determining of their own Councils of State, or of their Publick Ministers Abroad, without other Instance or Process. But that this is already done or provided for by the Article now in Question, I dare not affirm. For,

1<sup>st</sup>, As it is a certain Rule in Law, that no Statute or Constitution shall be interpreted to restrain and derogate from an ancient Law or Custom universally received, further than the Words of such Statute are express and decisive: So it is in Treaties, they are not to be understood as altering or restraining the Practice generally received, unless the Words do fully and necessarily infer an Alteration or Restriction. Therefore if this Article, as it stands, be consistent with the ancient general Law, and with the Practice upon all former Treaties, I know not how it can be interpreted to introduce a new Method, and a Practice hitherto unknown in Reprisals. Sr.

*Secondly*, THE publick Minister cannot (as I humbly conceive) be constituted a Judge, and the sole Judge in these Cases, without such Words in the Article, as are operative enough to erect a new Judicature. For such a Jurisdiction as this, (to cognize originally, and to determine *sans ressort*) will not pass, by any Law or Precedent that I know of, in these Words, *viz.* to enquire into the contrary, or to procure Satisfaction, which are the very Words, and no other, in the Article. It being a certain Rule, that no Branch of Jurisdiction, or judicial Power, passes from Princes, and vests in their Subjects or others, but by such special Words, as are the true and strict Notions, and the known and undoubted Measures, in the granting and conveying any Part of their *Regalia* out of themselves.

*Thirdly*, THE Words of this Article require, that two Things be done, in Order to Reprizals. 1. A Proof must be made, that Justice hath been denied. 2. A Petition must be preferr'd to that Minister, or Prince, from whom Reparation is pretended. These two Things stand in the Article separate, and in this Order. Therefore if the Denial of Justice must be first proved, before the Petition be preferr'd, (as the Words in the *Latin* do require somewhat more clearly than in the *English*) it follows necessarily, that this Denial must not be taken for the ill Success, or Repulse upon the Petition, but must refer to a Judgment given in some Court of Law, before the Petition was preferr'd: For Justice cannot properly be said to be denied, but where Instance is made before a competent Judicature, since those only can be said to have denied us Justice, from whom we may challenge it, as the Duty of their Place. Besides, this Treaty requiring, that the Denial of Justice do manifestly appear, is to be explained by the *French* Treaty in 1632. which says, this Manifestation must be *par des bons actes*, and that can be no other, than the Records of a Court of Justice, or else Protests and Proofs in due Form, that the Complainant was either too much delay'd, or else repulsed, and could not be heard in Judgment.

*Fourthly*, If the meaning of this Article be, that no other Instance is to be made, but before the Ambassador residing here, and that he is to give his final Determination within four Months, there would be much Difficulty in our present Case, if Mr. *Martin* were now to begin. For it being *de Jure Gentium*, that the Defendant be not concluded before he be heard, but that he have a competent Time to come in, if he please, and answer for himself; the Ambassador, if he must give his Sentence within four Months, would be forced to give it against the Defendant, without hearing him, and without affecting him with a just Contumacy; and such a Sentence must needs be absolutely void and unjust; and the rather, that Persons wholly innocent must suffer in the Execution.

NOR would the latter Part of the Article thus understood, be without its Convenience; for putting the Case that an *Englishman* has done the like Wrong to a *Frenchman* in the *Indies*, as the *Sieur de Barr* hath done to Mr. *Martin*, and that your Majesty had not an Ambassador at this time in the *French* Court, in this Case, the *Frenchman*, by this Article, were to repair hither, and to petition your Majesty for Redress; now upon Supposal that this Article doth dispense with the Necessity of Proceeding in the ordinary Judicatures here, the *Frenchman* must have what he asks within four Months after the putting in of his Petition, or else his King would be at Liberty to grant Reprizals against the *English*, which would be a Consequence somewhat surprizing.

So that upon the whole Matter, I do (with Submission) conceive, that a single Instance before a publick Minister, by Petition, is not a sufficient Ground to plead Denial of Justice; there must be Proceedings had in the Law Courts, before the Instance by Petition can be regularly begun, notwithstanding any Words in the 16<sup>th</sup> Article of the Treaty.

YET this Article is not without a special Benefit and Ease to the Subject; for the Attendance of a Subject wronged, was anciently not limited to any Time, and the last Scene of Appeal or Supplication to a foreign Prince, always proved more intricate and tedious than the first, upon the ordinary Judicatures: For in the ordinary Judicatures, the Law of the Place would bring a diligent Complainant, either to a Sentence upon the Merits of his Cause, or else to a warrantable Opportunity of Appealing from the Delays of the Court; but in Delays before the Prince or Council, there was no such Remedy, till in this and other modern Treaties, the Time was limited to three or four Months, beyond which, no Man is bound to wait for an Answer.

So in your Majesty's Treaty with the united Provinces at *Breda*, there are three Months allow'd for this Sort of Instance, and three Months by *Cromwell's* Treaty with the *French*, but now there is one Month more added by this Treaty, which must not, as I conceive, be understood to be an Alteration of the General Course of

Nations, but rather an adjourning only of this kind of Rupture to a further Day, in Favour of Peace, and of a tenderer Amity between two so mighty and so near Allies: And some such Precautions more than ordinary, have been frequently inserted into the Treaties of those Two Crowns, as in the Treaty of the Year 1606, between those Kings of glorious Memory, your Majesty's two Royal Grandfathers, it is provided, that after all Formalities in Judgment, and all Instances at Court used, no Letters of Reprisal shall issue out, but that the Ambassadors for that Kingdom, against which they are granted, be first advertised of them; and that the Letters themselves be in the Form intended, subjected to a publick View, and an open Debate in Council, before they be delivered out for Execution.

As for the other Branch of your Majesty's Command, touching what is fit to be done for Mr. *Martyn's* Relief, I dare not offer your Majesty any Thing, least I should take wrong Measures, having not seen the Most Christian King's Orders, for the Restitution of the last Ship seized on by the *Sieur de Barre*; nor been acquainted with the Instances that your Majesty's Officers in the *West-Indies* have made, for Reparation of his Damages made upon the first Ship; only I fear there can scarce be any Expedient effectual for this, and other the like Accidents, unless your Majesty and the Most Christian King shall please to commit the stating of all Losses, and the satisfying for Depredations in those distant Parts, to certain Commissioners on both Sides, residing upon the Places of nearest Correspondence in those Parts. I mention this, because it was (if I am not mistaken) the Way whereby these Sorts of Differences were effectually regulated between *England* and *France* in Queen *Elizabeth's* Time. All which I do with all Humility submit, &c.

*L. Jenkins.*

*To the KING, and the Lords of His Majesty's most Honourable Privy Council.*

*May it please your Majesty,*

*March 1. 1666.*

**T**HE Matter of Fact touching the *Danish* Ship made Prize in *Scotland*, and since arrested at *Newcastle*, (whereof I am, in Obedience to your Majesty's most gracious Order in Council, to give an Account) stands thus represented.

1. THAT *Lee* and *Smith*, who claim this Ship and her Lading, obtained your Majesty's License, dated *Feb. 23. 1665.* to bring *Eastland* Commodities from *Norway* to *London*, in Foreign Bottoms, and having given Security (as your Majesty had directed) in the *Custom-House*, his Royal Highness granted his Pass, dated the 28<sup>th</sup> of the same Month, to bring the *St. Jacob* of *Larwick*, the Ship in Question, from *Norway* hither; but that Pass was not on Board, nor any Copy of it, at the Time of the Capture.

2. THAT *Murrey*, a Privateer commissioned in *Scotland*, took this Ship on the Coast of *Norway* the 19<sup>th</sup>, and brought her into the Road of *Leith* the 29<sup>th</sup> of *June* last; that on the next Day after, the Skipper and Pilot were brought on Shoar, and examined upon Oath before the Judge of the Admiralty (in a Tavern) at *Leith*; and after Examination, Sentence passed to condemn the Ship and Lading as Prize the same Day, and in the same Tavern. From which Sentence it does not appear that there is any Appeal depending.

3. IT is sworn by the Skipper here, that at the Time of his Examination before the Judge at *Leith*, he did upon his Oath acquaint him with the Interest and Concern of *Lee* and *Smith*; as also with what had been told him at *Norway* of your Majesty's License, and of his Royal Highness's Pass. And both the Pilot and Skipper depose, that they said, upon both their Examinations, that they were bound with their Ship for *London*; but the Copies of those Examinations that are put into my Hands, mention nothing at all of those Particulars, but do expressly purport, that the Ship belonged to *Norway*; that the Company were *Danish* Subjects; that the Papers aboard her were the Skipper's Papers, one of them being a Sea-brief from the Town of *Larwick*, another, a License from one of the Owners of the Lading, for the Master to sail whither he pleased for a good Market, none having Interest in the Goods but himself, and other *Danish* Subjects.

4. THERE is an Affidavit on *Thompson's* Behalf, that this Sentence was passed 14 Days before he came to *Leith*, that he hath actually paid 1,300 *l.* for this Prize, and hath a Bill of Sale, dated *Aug. 12. from Murray.*

5. THAT the Ship being sailed to *Newcastle*, was arrested in Point of Property by *Lee* and *Smith*, but is now in the Possession of *Thompson*, upon Bail given in the Admiralty to restore it, or answer the Value, in case she should be adjudged to them.

THE Matter of Fact being thus, the Question is, whether, if *Thompson* do prove,

*first*, that he bought this Ship and Lading, and hath *bonâ fide* paid for them : 2 *dly*, that the Seller *Murray* had a Sentence of Condemnation given him by a competent Judge, and that Sentence be not appealed from, whether then the Court of Admiralty ought not to dismiss the Cause, and leave *Lee* and *Smith* to their Remedy against this Sentence, at the proper Tribunal of Appeal from it?

THE Arguments for the Affirmative, or for dismissing the Cause to *Scotland*, are, *First*, FROM the Rules of the Civil Law; the ordinary Remedy against a Sentence is, by way of Appeal: Every Sentence, after the Time limited to appeal from it, being to be taken *pro veritate*, or till it appear to be otherwise by the Sentence of a competent Judge that shall reverse it. That we are not competent in this Case is evident, in that there lies no Appeal hither from *Scotland*, and consequently that we have no Means to compel that Admiralty to transmit their Acts and Process hither; yet without the View of them in their Originals, or else in Copies attested by that Court, we cannot make a good Judgment upon the Merits of this Sentence, the Nullities charged upon it being to be deduced out of the Acts and Proceedings of Court, and the Injustice out of the Proofs as they lay before that Judge. Neither of which we have, nor indeed can call before us, for want of Jurisdiction, which is the Basis of all Judicial Proceedings.

*Secondly*, FROM the Practice of Civil Law Courts, which ordinarily intermeddle not with, nor inspect the Merits of those Sentences that are given without the Limits of their Jurisdictions. 'Tis a ruled Case, that one Judge must not refuse, upon Letters of Request, to execute the Sentence of another Foreign Judge, when the Persons or Goods sentenced against are within his Jurisdiction; and if he do, his Superior must compel him to it; else it is a sufficient Ground for Reprisals against the Territory: But it being debated in the *Imperial Chamber of Spire*, whether a Judge in this Case might not Judge of Nullities, or other Objections, against a Sentence so recommended to his Execution, it was resolved he might, and suspend Execution if he saw Cause; but he might not pronounce on these Nullities, or any Thing else that impugned the Sentence upon the Merits of the principal Cause.

3 *dly*, FROM the Usage of the *Western World*; each Sovereignty avoiding, as much as may be, to break in upon, or interrupt one the other in their Judicial Proceedings; as appears first by the modern Treaties, which do most of them provide, that Persons wronged shall seek and pursue their Remedies in Law, (not at their own Homes, but) in those Countries where the Wrongs have been done them. *Secondly*, By the avowed Causes of granting Reprisals, which are then only well granted, when all the Instances, first in the Courts of Judicature from the lowest to the highest, afterwards with the Prince himself, have been attempted and pursued without Success or Effect.

4 *thly*, FROM the peculiar Usage touching the Property of Ships; the Parliament of *Paris* hath determined, that Ships are not recoverable *Jure postliminij*, when they happen to return from an Enemy's Possession to their true Owner's Country; and the Laws of *Spain* and *Venice* do allow their Property to be alter'd, (which agrees not with the ancient Law of Nations) even in the Hands of Pirates, so as to vest legally in others, that derive *bonâ fide* from them. Now if the Property of Ships in Favour of Publick Commerce, can pass without a Sentence, his Title who purchases under a Sentence, seems not regularly to be void, till the Sentence it self be reversed by a competent Authority.

THE Arguments for the Negative, and for adjudging the Sentence from *Scotland* into this Admiralty are,

*First*, That the Sentence given in *Scotland* is null *ipso jure*, as being a flat Contradiction to the Acts and Process it refers to; their Sentence, on the one Side, purporting, that all Men interess'd were called; the Process, on the other Side, being so quick and tumultuary, that if any were called, there was no Possibility that the Notice should reach them. Though I do not conceive it was *de Jure Gentium* necessary to call the *Danes*, who, as the Cause stood, had no Defence to make; yet if the Judge were acquainted (as it is sworn he was) with the *English* Interest, and with your Majesty's License, and his Royal Highness's Pass, it was necessary *de Jure Gentium*, to call the *English*; there being no Law, Statute, or Usage, that can dispense with or supply this Defect. So here can be no Sentence, because there was no Citation. And if so, the Property is entire where it was before the Capture. That Proofs of this kind of Nullity are admissible before a Judicature otherwise incompetent, a Case not unlike this before the Parliament of *Paris* seems to warrant. For when a Sentence given at *Venice* against a *French* Subject, was, upon Letters of Request from *Venice*, to be executed in *France*; the Parliament declared they would not examine the Merits of the principal Cause, because the *Venetians* (said they) would be sure to have their

Revenge on them in the like Occasions; but they would and did examine whether the *Frenchman* had been proceeded against upon due Summons, and according to the Stile of *Venice*, (which when they found,) they executed the Sentence.

ANOTHER Argument is, that *Thompson's* Title being in Dispute, he may, by Way of Denunciation, as the Civil Law directs, call *Murray* to assist him in defending it; if *Murray* do appear (the Way of calling him effectually is by Letters of Request to the Lords of Sessions) he must make it out, that his Sentence was such, as could and did *transire in rem judicatam*, which a Sentence that is null *ipso Jure* can never do; if he does not appear, the Admiralty here ought to adjudge the Ship to the first Proprietor; and *Thompson* must be left to his Action, for evicting the Value paid from *Murray* in the Courts of *Scotland*.

THE Arguments for dismissing the Cause hence are, as I humbly conceive, calculated for the Rigours of the Civil Law, and the Pretensions of distinct Sovereignties; but they do imply a particular Mischief to *Lee* and *Smith*, in putting them to a long Run into *Scotland*, which is against the Nature of summary Proceedings, in the managing of which there is no more *de Jure Gentium* essential to the Justice of them, than to hear all Parties, and to give every Man his own, tho' he happen to be in the wrong, as to the Manner and Form of his Demand.

THE Arguments on the other Side, for judging the Ship where 'tis found, have more of natural Equity in them; yet they infer an unavoidable Mischief to *Thompson*. For if this Sentence in *Scotland* were declared null, *Thompson* would be undoubtedly well founded to recover his Money by Way of Eviction against *Murray* in those Courts; but if it be reversed here, *Murray's* Plea is obvious, that our Sentence here was null and a meer Collusion between *Thompson* and the Claimers. Besides, these Arguments seem to favour a general Inconvenience, which is, the interfering of one Jurisdiction with another, as the Thing in Controversie happens to come within their reach, which must be the rise of perpetual Broils and Reprisals: And it would be of ill Consequence to our Commerce here; if it were not sufficient for the Buyer of a *Holland Prize* (for Instance) in *London*, to produce the *res judicata* of this Admiralty, when he is arrested in *Flanders*; upon a Property pretended before the Capture, with being forced to prove in that Country, that Sentence passed here upon good Evidence and in due Form. If we were at the same Dilemma with the *Spaniard* (for Instance) we pronouncing the Sentence of his Admiralty null, and adjudging a Ship from a Possessor under his Sentence to a Claimer in our Jurisdiction, he would, I suppose, appeal from that Sentence; and if we justified it, yet he would come at last to Reprisals; for he would have this to say, that the Sentence we rescinded here, should have been appealed from and examined in *Spain*, where it was given. We cannot in this Case say, he has denied us Justice, because we did not pursue the utmost Appeal; but he will say, we have done him wrong, in reviewing a Sentence that lay not before us by Way of Appeal. If he on the other Side will refuse to review or reverse this Sentence, that aggrieves our Claimer, we have (after the usual Instance made) an unquestionable Occasion given us for Reprisals.

REPRISALS are the *ratio ultima Regum*, but there can be none in the Case now before us; your Majesty being the common Father of both Countries. 'Tis therefore possible, your Majesty may please to descend so far, as to avocate this Cause to your own Royal Cognisance, and to pronounce upon the Merits of it; whereby both Parties will have all the Reason imaginable to acquiesce in the Judgment, which will be not only just, but speedy, and yet no Pretence at all to dispute the Tribunal, since 'tis the Fountain and the Life of both those Judicatures they contend for. All which I do humbly submit to your Majesty's Royal Wisdom.

L. Jenkins.

### To the KING.

May it please your Majesty,

I Have, in Obedience to your Majesty's most gracious Order in Council, consulted with Mr. Attorney and Mr. Solicitor General, touching a Remedy against the barbarous Spoils and Rapines used upon the Sea Coasts, when Ships happen to be cast away, so as the Goods are saved and brought ashore; as also touching the fittest Course to be taken for the preventing or Satisfying of the Imbezzlement and Spoil complained of by the *French* Ambassador.

For a general Remedy in these Cases, Mr. Attorney and Mr. Solicitor are both of Opinion, that these barbarous Usages must be punished and restrained either by a new Act of Parliament, or else by an Information in his Majesty's Court of King's Bench, against the Offenders; I will only crave Liberty to add, that such Riots and Misdemeanours



meanours being begun within the High-water Mark, (tho' afterwards continued upon the Land) have been heretofore punish'd in the Admiralty, as the proper Court for it, or else by the ordinary Commissions of Oyer and Terminer, upon the Statute 28<sup>th</sup> of King Hen. VIII.

BUT in Case a new Act to that Purpose should not go on, and since an Information will reach Offenders in one County and for one Fact only; I most humbly offer to your Majesty that which I conceive, with Submission, to be the ancient marine Law of *England*, to be considered how far it may be review'd, and put into vigorous Execution, in Order to prevent the Mischief now growing every Day more and more, to the Reproach of the *English* Justice and Humanity.

1<sup>st</sup>, I do, under your Majesty's Correction, conceive, that in Ships wreckt, such as this of the *Salvador* was (which is a distinct Thing from *Wreccum Maris*; where neither Man nor other Creature escapes alive, the Judgment whereof the Admiral claims not) the salving, gathering up, and safe keeping of all Goods cast ashore where any escape alive, belongs to your Majesty's High-Admiral and his Deputies, exclusively of all Lords of Mannour, and all others whatsoever, the Master and the Owner of the Ship and the Goods so cast away, as also the Ship's Crew, only excepted) and that no Person whatsoever, not authorized by the Admiral or his Deputy, or else especially requested by such Master, or Owners in Distress, ought to intermeddle with salving or taking into their Custody such Goods. The Admiral being not only *de Jure communi*, responsible to the Proprietors for all the Embezzlements, but also to your Majesty and the Crown, for all Breaches of Treaty or Reprizals, that may be the Effect and Consequence of such Spoil and Rapines.

2<sup>dly</sup>, THAT all Sales made by Masters or Mariners in such Distresses, (excepting of such Things as are their own in Property) are absolutely null and void in Law. And that all shatter'd Ships and Shipwreck'd Goods so bought, where there does not, either a special Procuration, or else a Decree from the Admiralty intervene, are to be seized upon, as *bona piraticè capta*, and taken into the Custody of the Admiral from the Buyer, to the Use of the true Proprietor.

3<sup>dly</sup>, THAT by the Law of all Nations, the Sea-shore is and ought to be common, and that there is no Foundation in Law or Justice to pretend to a right of hindring the Officers of the Admiral or the Owners from coming on the bordering Grounds, in Order to save Mens Lives or Goods, in such Extremities, as I hope it will upon Enquiry appear to be.

If this be Law, if that the Rabble be hindred from meddling, the Neighbours from buying, and the Landlords from claiming *Droits* and Usages warrantable by no Law, the Insolencies of the People upon the Coasts would be quickly reduced to Reason; and 'tis to be hoped, that the old Law of *England*, fully declared, and vigorously vindicated in these three Points, would effect all that can be expected in these Cases.

As for the Spoil and Damages in this Case of the *Salvador*, Mr. Attorney and Mr. Solicitor are of Opinion, that they may be sued for, either in your Majesty's Courts at common Law, or else in the Admiralty; only if the Suit be in the Admiralty, 'tis probable, that there will be need of your Majesty's Interposal against Prohibitions in this Case, and so much the more, that it would be very hard for a Stranger to dispute over and try our Jurisdiction before he does his own Cause, and that the first Tryal may, as it often happens, prove more chargeable than the last.

FOR it will be obvious for the Defendants in this Cause to suggest, that the Damage, if any, was done upon the Land, out of the Admiral's Jurisdiction; but the Truth in all Probability will prove to be, that the Spoils of this Kind were but a Continuance of the Riot, Force, and Pillage, begun below the high-Water Mark, within the undoubted Jurisdiction of the Admiral. However, having the Authority of two such eminent Persons in the Law, that this Cause of Spoil is cognisable in the Admiralty; I will only add besides, that it has been always so, till some late Interruption; it is not without a special Ease and Satisfaction to a foreign Plaintiff, that he shall have the Benefit of the same marine Laws here, that we are judged by in his Country; and instead of entering as many Actions of Trover and Conversion, as there are Parties to the Spoil, and Proprietors of the Ship and Goods (it may be an hundred or more Actions at Common Law) the Master, in the Name of himself, his Setters out, and Freighters, need not enter any more than one single Action in the Admiralty, where one Hearing, Plea, or Tryal, and one Sentence, (as well in Vacation as in Term Time) will determine the whole Affair.

BUT this being an extraordinary Case, and the Most Christian King being wholly and solely concerned in this Rapine, 'tis possible your Majesty may not think proper to put his Excellency the *French* Ambassador to any further Trouble; but having heard  
and



and examined in your Royal Presence the whole Matter of Fact, which has no Colour of Excuse for it, you will please to judge in it according to your Prerogative, and your own most Royal Judgment. For if the meanest of the *French* may expect not only Safety and Protection, but all the Advantages that may be expected from a faithful Neighbour by a solemn and secure Peace; the Prince himself, having more Interest than any of his Subjects in those Treaties, ought to have all the Reparation; and in the most speedy Way, that such a hostile barbarous Outrage is capable of. All which, &c.

L. Jenkins.

To the KING in Council.

May it please your Majesty,

HAVING, in Obedience to your Majesty's most gracious Order of the 15<sup>th</sup> of June last, had the several Demands hereunto annexed, (which his Royal Highness's Commissioners have represented unto your Majesty, as Dues and Perquisites belonging unto the Lord High Admiral) under Consideration and Debate, I do now, with the deepest Humility and Submission possible, lay at your Majesty's Feet my Recollections upon the whole Matter.

IN the *First* Demand: Such Ships as are actually in the King's Service, and under his Pay, are to be excepted, as I humbly conceive; otherwise they will be in a Condition more bounded and restrained than the private Men of War, who are expressly commissioned to seize in Port as well as upon the open Sea; and the Lord Admiral giving this Power to private Men of War, not *virtute officii*, but by a special Commission, the King who grants it, cannot be thought to intend the Exclusion of his own Ships from that Liberty, which others do enjoy by virtue of his Commission to the Admiral, since the King's Prerogative of seizing Enemies Goods *jure belli*, or *reprisaliarum*, is still concurrent with that of the Lord Admiral within his Jurisdiction.

If it be said, that the Lord Admiral, in Consideration of his Tenths from private Men of War, imparts unto them this Right peculiar to himself in Port, it may be replied, that this Right in Port doth not appear to be in the Lord Admiral, to the Prejudice of the King's own Ships, either by Patent or by Prescription. Not by Patent, for the Words *Bona inimicorum casu fortuito reperta*, do refer as well to the open Seas, (and there the Lord Admiral claims not against the King's Ships) as to the Ports: Not by Prescription, for in the two Presidents, which is all that I yet find of Enemies Goods seized in Port, and adjudged to the Lord Admiral, it does not appear by whom the Seizure was made, in the one at *Swansey*; and it is express the Vice Admiral made the other in the Isle of *Wight*.

To the *Second* Demand: What is here demanded, I take to be the Lord Admiral's just Right; for tho' Enemies Goods are by the Law of Nations his forthwith that takes them; yet the present Practice of the most civil and puissant Sovereignties of the World hath superseded this Law; and the Title to Enemies Goods is vested in the Prince, and from him derived, as other *Regalia* are, and sometimes, as in this Case, annexed to inferior Jurisdictions. Besides, such Goods must be reputed to be *Casu fortuito reperta*, and in that Notion they are the Lord Admiral's: Otherwise the Taker will not be able to justify his Capture; nor can they be adjudged Prize but upon Suit in the Lord Admiral's Name, who in this Case usually gratifies the Taker with a Share, in Proportion to his Hazard and Pains.

To the *Third* Demand: If by prohibited Goods, are meant Goods forbidden to be imported and exported, it does not appear, that the Statutes concerning Trade, Navigation, and the Customs, have left any Thing undisposed of in the Case. If by forfeited Goods are meant the Goods of Felons, and Traitors to the Crown, they are within the Lord Admiral's Patent, by whomsoever they are seized within his Jurisdiction.

To the *Fourth* Demand: The Ships and Goods of Pirates, I do humbly conceive to be the Lord Admiral's, as also all Goods piratically taken from the King's Subjects or Friends, (the Custody of them belonging to the Lord Admiral) in case they be not legally claimed within the Year: And this, tho' the Pirate should be subdued and brought in by the King's own Ships; for there are Presidents (besides that these Goods are in the Lord Admiral's Patent, are) very full and apposite to this Effect. As to the nice Question here raised, *viz.* whether a King's Man of War mastering a Pirate, who hath an Enemy's Ship in his Possession, is to carry away the Enemy for the King, quitting the Pirate to the Lord Admiral? I do, with Submission to better Judgments, answer, that the Pirate's Occupancy, though it be for never so long a Time,

Time, doth not alter or extinguish the Property in his Prize ; which if it did, then might the Pirate make a legal Transference of his Possession to another : This a just Enemy can, a Pirate cannot do. The King therefore being gotten by this casual Seizure into the Possession of his Enemy's Goods, that common Maxim seems to take Place, *viz. Melior est Conditio possidentis.*

To the 5<sup>th</sup> Demand : There is no mention in the Lord Admiral's Patent of these Tenths, nor is there any constant uninterrupted Custom alledged for them, excepting in the Case of private Men of War, from whom the Lord Admiral doth receive his Tenths. That the Earl of *Warwick* had them given him by the late Usurpers, from the Publick Ships likewise, is yet fresh in Memory ; and that after they had extinguished the Name and Office of Admiral, (as much as in them lay) they sequestred the Tenths, as a distinct Thing in the Provenue of their Prizes, and applied them to different Uses from the rest.

As for the ancients Presidents, the Exchequer is more likely to afford them, if there be any, than the Court of Admiralty ; only it appears by the Black Book in the Admiralty, (which certainly is ancients than K. *Edward III.* Time) that the Admirals (for then there were 3 or 4 together) had their Dues and Perquisites established unto them in Time of War. An Admiral had, while upon the King's Service by Sea or Land, 4 s. a Day ; if a Knight, *viz. viii d.* ; if a Baronet, *xiii s. iv d.* if an Earl, more, an hundred Marks a quarter ; *pour regard de trente hommes d'armes*, those are the Words, 2 s. a Day for every Chevalier ; 1 s. to every *Ecuyer* ; 6 d. to every Archer on Board him. Besides, he had Shares (and the Word Shares is still in his Patent) in all Prizes, whether taken by Ships in the King's Pay, or by private Adventurers ; other Perquisites he had not worth the mentioning, because proportioned to the Rate of Money, and to the Tenuity of those Times. The Lord Admiral hath, it seems, none of those petty Perquisites at this Day ; yet it cannot, I think, be denied, but that he has a Right unto them, or to something else in lieu of them, both *virtute officii*, and by the Words of his Patent, which gives him all the Rights and Emoluments of his Place, in as full and ample Manner as any of his Predecessors enjoyed them. But how the Appointment in the Black Book came to be refused, does not appear by any Memorial that I can find in the Admiralty ; if it were changed into Tenths, it was possibly in conformity to the *French Model*, where the Admiral for his Support, and in Consideration of the Dignity of his Place, and the Importance of his Service, had in the Year 1584. *son droit de dixième* ; it was then a Right established, not a new Acquisition, and by Edict confirmed unto him, not only of all Prizes whatsoever, but of all Prisoners too, and that *suivant les anciennes ordonnances*, as by the Edict at large doth appear ; and the Benefit of this Precedent, as I conceive, was enjoyed by the Prince of *Orange* in the same kind. *Edict. Hen. III. 17 April 1584.*

To the Sixth Demand : Here again, under Correction, the King's Men of War are to be excepted ; for the modern Practice hath in most Places determined the Point of Rescue, otherwise than it was in ancient Times. For if an Enemy carries away (for instance) an *Englishman's Ship intra presidia*, or else so possesses it for 24 Hours together, that the Enemy is not pursued after, nor the Loser in any probable Hopes of recovering his own, this Ship shall be adjudged a good Prize to him that shall retake it from the Enemy, and shall not be restored upon Claim. As for Salvage, when a Ship happens to be rescued within 24 Hours, I have met with one Precedent, where 'tis paid to the Admiral upon a Rescue from a Pirate ; nor can I say but it is so too (tho' the Rescuer has it in *France*) when the Rescue is from a just Enemy.

To the Seventh Demand : Goods cast out by way of *Jactus* are not Derelicts. However, the Lord Admiral having the Custody of all Jetsons and Flotsons, as these are, they are his by Prescription, if not claimed within the Year, tho' they should belong to Friends. But if they belong to Enemies, they become his immediately. For being presented in his Court as *Bona inimicorum*, instead of the Custody of them, the Dominion and Property of them vests in him, as being granted him by Patent. Yet if this *Jactus* be made in flying from an Enemy, and the Pursuer do take up the Goods thrown out, they are his, I conceive, and not the Lord Admiral's : They are Part of the lawful Prey he pursued, and as justly his as if he had overtaken the whole ; the Pursuer's Right commencing (as in the known Instance of *fera vulnerata*) from that very Moment wherein the Enemy is, by the Impressions of the Pursuit, disabled to carry away his Goods any further.

To the Eighth Demand : The Answer is much the same. That Thing cannot be a Derelict in the Notion of the Civil Law, which the Owner quits through great Fear, altogether against his Will and Intention. 'Tis not enough that he leave it *sine spe revertendi*, but he must leave it *sine animo revertendi* ; at leastwise the Thing must be

so long a Time without a Possessor, that the true Owner shall be presumed to have given over all Thought of it: Which makes some learned Men of Opinion, that the Laws in the Digests upon the Title of Derelicts, are now become obsolete and disused. So far are People (say they) now a-days from leaving voluntarily behind them Things that are their own.

HOWEVER, Ships and Goods, in the Case at present depending, would and ought to be pronounced the Lord Admiral's, against all Persons whatsoever, excepting the Pursuers; whose very Pursuit doth *Jure Belli* begin their Possession. The Gallies of *Malta* working those of the *Turks*, pursued them so close, that at last, in order to escape the *Malteses* Hands, the *Turks* threw themselves upon the Island *Corfica*, where the Islanders (being likewise in Hostility with the *Turks*) seized them and their Ships; as a lawful Prey fallen into their Hands. The learned Lawyers of that Time being consulted on this Case, gave their Judgments against the Islanders of *Corfica*, as having wrongfully taken from the *Malteses* what they had already in a manner seized and were in Possession of; adding, that an Enemy may be truly said to be possessed of his Prey or his Prisoner (sometimes before he lays hold of them) even then when he hath so disabled the one, or compassed the other, that there are no Means left to avoid coming into his Hands.

BESIDES, this very Case is determined in the *French* Ordinances of the Admiralty: The Admiral being directed, in case the Company do, for fear of a Man of War, all abandon their Ship, and save themselves in their Boat, to sequester their Prize: If upon Information it appear to belong unto Friends, who are here supposed to be put sometimes into such Streights; but if the Likelihood be, that it belong unto Enemies, the Takers are to have it upon Bail, and to restore it, or the Value, in case a Property be made out to be in Friends; and in this case Tenths only are reserved to the Admiral. Whereas if it were a Derelict in the Modern Notion, he should have his Thirds, which is the *French* Admiral's Share, in all Ships and Merchandizes taken up floating upon the Seas. All which, &c.

L. Jenkins.

*To the Earl of Arlington, upon Sir P. Pet's Queries about the Lord Admiral's Rights.*

MY LORD,

*Admiralty, March 3. 1665.*

I Have, in Obedience to your Lordship's Commands, communicated Sir *Peter Pet's* Queries here inclosed to Sir *R. Wiseman*, his Majesty's, and Sir *W. Turner*, his Royal Highness's Advocate; the Result and Debate we had upon them was this:

First, WE do all agree, that his Majesty has not any Interest in such Ships and Goods belonging to Enemies, as are taken and brought in by any of his Majesty's Subjects, who are not employed either in the King's Ships, or in private Men of War; we differ only in this Circumstance, Sir *R. Wiseman* is of Opinion, such Ships and Goods ought to be adjudged to the Taker; Sir *W. Turner* and my self, to the Lord Admiral, among other *Casualia Maris* given him by Patent; it being left to the Lord High Admiral to reward the Taker in Proportion to his Hazard and Pains.

2<sup>dly</sup>, WE agree, that Enemies Ships that come in voluntarily to his Majesty's Ports, or are driven in thither by Strels of Weather, or other Accidents, do belong to the Lord High Admiral, if his Officers, or those of the Custom-House, (or indeed any other) do seize them. This Sir *R. Wiseman* would have understood to be without Prejudice to the King's Men of War, if they should happen to be the first Seizers; and Sir *W. Turner* is contented it should be so, provided the Men of War do make this Seizure in the Pursuit of an Enemy putting himself into Port, or else when they happen to meet an Enemy as they are going out of the Port. And this Restriction I do also submit to, as very reasonable in the Case.

Lastly, As to Ships and Goods quitted and forsaken by the Enemy, in order to avoid the Hands of a Pursuer, Sir *W. Turner* is of Opinion, the Lord High Admiral ought to have them as Derelicts, tho' they come into the Pursuer's Hands before any other. Sir *R. Wiseman* and my self, under Correction, do differ from this Opinion; conceiving that in this Case they are the Takers, (whether the King's Men of War or Privateers) and ought to be reputed his lawful Prey, no less than if he had even taken the Enemy on Board. The Impression of his Pursuit having been the sole Reason that the Ship (however the Enemy himself escaped) fell into his Hands.

To this Effect, MY LORD, we have each of us already delivered our Opinions in Writing upon these Points, which his Majesty was graciously pleased to give a Hearing to at *Oxford*, in order (as we then conceived) to interpose his own Royal Determination in these and some other Points.

I have

I have not varied a Tittle, MY LORDS, in this Report I make of the Sense of both the Advocates, from what I apprehend to be their true meaning at our Debate, tho' I may possibly have mistaken, to whose Opinion I do not either joyn nor oppose mine own, but with all Submission possible to better Judgments, as becomes, MY LORDS, &c.

L. Jenkins.

*To the Right Honourable the Lords of His Majesty's most Honourable Privy Council, appointed as a Committee for Trade and Plantations.*

MY LORDS,

I Have, in Obedience to your Lordships Command, perused the Proofs and Papers that are put into my Hands, touching the two Ships (the *Andrew* and the *Portland*) arrested and detained, together with their respective Ladings, in the Port of St. Malo's, in the Year 1644.

1. It is deposed by several Witnesses, examined *ad perpetuam Rei memoriam* in the Court of Admiralty, in the Year 1649, That *George Serle*, and *Francis Toppe*, English Merchants, residing at St. Malo's, had, about the Month of May 1644, laden certain Quantities of Linen Cloth, and other Merchandize of great Value, in the two Ships abovenamed, in the Port of St. Malo's, to be thence transported to the respective Ports of London and Southampton. Touching the Owners and the Consignatories of the Goods so laden, one of the Witnesses, viz. *Peter Serle*, saith, that *Geo. Serle*, *Fran. Toppe*, and Company, were Owners and Possessors of the said Goods, and such commonly reputed; and that the said Goods were to be deliver'd at London and Southampton, to their Use. Another Witness, *Dan. Serle*, says no more, but that *Geo. Serle*, and *Fran. Toppe*, having the said Goods in their Possession, laded them to be transported to London and Southampton, for the Account of the English Merchants. This Variation I do humbly offer to your Lordships Observation, because I find the 3<sup>d</sup> Witness (there being no more than three examined) silent, as to the Propriety and Consignation; and because the Hostility, then flagrant in those Ports against his late Majesty, may somewhat alter the Case; if the Propriety of the Goods were not vested in Sir *Fran. Toppe*, and such others as were not obnoxious, by their adhering to the two Houses at Westminster.

2. It is deposed, that the said Ship being laden, and ready to sail for the said Ports, were arrested in the Road near St. Malo's, at the Instance of *Peter Filafter* and *Kirrowin*, Irishmen born, but then Inhabitants of St. Malo's; and that the Goods laden in them, as aforesaid, were unladen the very same or next Day that the Ships were arrested, and some of them were seen in *Kirrowin's* Cellar.

3. The only Pretence and Suggestion then alledged for this Arrest was, that the said *Filafter* and *Kirrowin* had sustained Losses and Damages in their Trading to and from Ireland by the Parliament Ships, (then so called) and that *Kirrowin* had sustained Losses in Ireland by the Parliament.

4. THAT the Warrant and Authority by which the said Arrest was made, issued out from the Parliament of Rennes in Bretain; and that the interested in the said Ship and Ladings, had made Applications and Instances to the said Parliament at Rennes, and to the publick Ministers at Paris, in Order to be free from the said Arrest, but without any Relief or Redress; the interested having long and in vain (yet not without great Expence) solicited the taking off the said Arrest, were forced and constrained to pay, and did pay down 33,000 Livres Tournois, to the Use, and towards the satisfying of the said *Filafter* and *Kirrowin*, in their Pretensions, before they could obtain a Relaxation of the said Ship and Goods.

5. THAT the Judges and Officers, who did put in Execution the Arrest of the Parliament of Rennes, did refuse to give Copies to the interested, of such Orders and Writings as concerned the said Arrest; tho' there was a legal Demand, and a tender made of such Fees, as could be reasonably asked for the Copies. Nor was there any Note or Receipt given for the 33,000 Livres Tournois paid down, tho' it was earnestly pressed.

6. THAT the Losses and Damages sustained by Reason of the said Arrest and Detention, as also of the Expences consequent thereto, are deposed by one of the Witnesses, to amount to 1000*l.* Sterling; by the other, to almost double. It appears further, by the Registry of the Court of Admiralty, that in Consideration of the Damages and Injuries abovementioned, Letters of Marque and Reprizal against the French were, by a Warrant bearing date 10 Jan. 1649. from those who called themselves the Council of State, directed to issue out of the Admiralty to *Geo. Serle* and *Fran.*

*Fran. Toppe*; and the said Letters were issued out accordingly under the great Seal of that Court, and that the Damages of the interested are said in that Warrant to amount to 1000*l.* Sterling.

As to Sir *Fran. Toppe's* Petition to his Majesty, that which is suggested in it is, as I humbly conceive, an undeniable Truth, *viz.* That it is against common Right, to seize the Goods of one Man (in a Case as this is) for the Debt or Trespass of another, unless it be by Vertue of Reprizals duly obtained, according to the Law and Course of Nations; that is, after due Instance first made before the Tribunals, and to the Sovereign, of the wrong Doer, and after Denial of Justice, all Solemnities in demanding it being first observed. But supposing there had been Letters of Marque and Reprizals actually issued out against the *English*, for the Wrongs done to *Filiafter* and *Kirrowin*, yet this Arrest and Seizure being made in Port, is expressly against several Treaties between this Crown and that of *France*, *viz.* that of *August* 29. 1610, and that of *March* 29. 1632. whereby it is provided, that no Letters of Marque, tho' issued out upon the justest Grounds imaginable, shall be executed upon the Goods or Persons of the Subjects of either Prince, while they are within the Ports, Roads, or Harbours of the other, unless they happen to light on the wrong Doers themselves, or their proper Goods, which, it seems, was never pretended against Sir *Fran. Toppe* in this Case. All which is humbly submitted, &c.

*L. Jenkins.*

*To His Royal Highness.*

*May it please your Royal Highness,*

*Decem. 7. 1667.*

**T**HE 25<sup>th</sup> Article of his Majesty's Orders (now made an Act of Parliament) for the Government of his Navies runs thus: That Care be taken in the conducting and steering the Ships, that through Wilfulness, Negligence, or other Defaults, none of his Majesty's Ships be stranded or run upon any Rocks or Sands, split or hazarded, upon Pain that such as shall be found guilty therein, be punished by Fine, Imprisonment, or otherwise, as the Offence, by a Court Martial, shall be adjudged to deserve.

BUT the last Clause in this Act provides, that the Court Martial shall punish none for Crimes and Offences provided against in his Majesty's Orders, but such only as have been committed by such Persons as shall be in actual Service and Pay in his Majesty's Fleets or Ships of War. Whether the Pilot that lost the King's Ship, be exempted from a Court Martial by this Clause, I am not to determine; the Judges of the Common Law claiming the Right of interpreting of Acts of Parliament; yet with all Submission, I do conceive, this Load-Manager had the Charge and Government of this Ship, as entirely committed to him here, as any Pilot could have it on the main Sea; and consequently, that he is within the Letter and Meaning of this Article. For it is not to be doubted, but that a Man may be as actually (to all Intents of Faithfulness, Care, and Obedience) in the King's Service and Pay for half a Day, as for half a Year, from *Dover* to the *Downs* in a *Hoye*, as from the *Downs* to the *East-Indies* in a Frigate.

BUT if the Court Martial should not think fit to intermeddle in this Business; there is a Commission of Oyer and Terminer now on Foot in the Admiralty, by which your Royal Highness and the Commissioners are impowered to enquire of, try, and punish all Manner of Crimes and Offences committed within your Jurisdiction, not only those against the Laws and Statutes of this Land, but those also committed against the Laws and Statutes and Ordinances (those are the Words) of his Majesty's High Court of Admiralty.

To that Effect, one of the Articles given in Charge to the Jury, (as it was agreed on in that famous Inquisition in *Edw. III.* Time, 1375. at *Queenborough*) runs thus, in the Original in the Black Book of the Admiralty.

“ITEM, est établie pour coustume de Mer, que si une nef est perdu par la defaulte d'un Lodeman; Les Marins peuvent, s'il leur plaist, amener le Lodeman à la *Guild* ou une autre lieu & couper sa tête; sans qu'en apres le Maître ou nul de ses Marins soit tenu de respondre devant aucun autre Juge; parceque le Lodeman fist grand trahison à son entreprize de Lodmanage. Et cest le Jugement en ce case.  
“ITEM, soit enquis de Lodemen qui prennent sur eux Lodemanage; laquelle ils ne sçauoient perfournier; parquoy nef à este pert ou homme mort.”

WITH this Judgment, agrees exactly the ancient Custom of the *Levant Seas* in this Case; but the modern Writers have cried down this brisk Kind of Proceeding, as not reconcileable with the grave and solemn Forms of Justice. And an *English* Jury will never understand any Thing to be Felony (I mean to deserve Death for its Punishment) but what is known and determined to be so, either by the Common

Law of *England*, or else by some Statute of the Realm. So that it is not likely this Offender will be punish'd in a Court of Oyer and Terminer in Proportion to his Demerit. That which I humbly conceive would approach nearest to it, would be a Confinement or a Drudgery (if any such were in Law) like that in the Gallies abroad, which would strike a Terror to such bold Undertakers, and in a good Degree mortifie these two Offenders. All which, &c.

L. Jenkins.

*To the Right Hon. the Lords Commissioners of Prizes.*

MY LORDS,

August 1672.

IT appears by Affidavit, that there is a Bark in the Port of *Rye*, which belongs to *Barnstable* in *Devonshire*, and is called *The Laurel Tree*. It was freighted out for a Voyage to *Newfoundland*, and thence to the Coast of *Spain*, by a Charter Party which hath been shewed me, bearing Date the 13<sup>th</sup> of *June* last. The Agent for Prizes in the Port of *Rye*, advises the Owners in the *West* of its being taken by a *Dutch* Caper, and retaken again, (but he doth not say by whom) and brought into *Rye* upon the 16<sup>th</sup> of the last Month: My humble Opinion is still the same that I have had the Honour to deliver, with all Submission, formerly to your Lordships upon the like Occasion; that this Ship ought to be restored by the Rescuer to the Proprietors, Salvage being first paid to the Lord High Admiral, and a *Quantum Meruit* of the Salvage so paid, ought to be apportioned to the Rescuer, by the Court of Admiralty, in Case it be not settled by mutual Agreement. And tho' this Rescuer should happen to be a Privateer, and not a King's Man of War, yet the Law supposes him to be arm'd for the Protection of the King's Subjects, and their Goods; nor can it be objected, that it is at his own Charges, since he is sure of a *Quantum Meruit*. There is no such Thing (as I humbly conceive) as *Droit de Guerre*, or Law of Arms, that ought to obtain or to be practised by one *Englishman* against another, his Fellow Subject; the Trader and the Soldier being supposed to bear their respective Parts under the strictest Conjunction possible against the Enemy. I know, MY LORDS, there is a Diversity of Opinions in this Case; yet I follow this, not only because it hath more of natural Equity in it, and because the modern Laws and Practice are exceeding favourable to Navigation and Traffick by Sea, but also because I take it to have been the constant Practice in the Admiralty of *England*, and because I meet with several Decisions of the Parliaments of *Bourdeaux* and *Rouen* that were given in *Contradictorio Judicio* to this Effect. All which, &c.

L. Jenkins.

*To the KING in Council.*

May it please your Majesty,

July 23. 1672.

THE Ship *The Palm Tree* of *Topsham* (whereof I am, in Obedience to your Majesty, to give an Account) was taken off *Plimouth* on the 5<sup>th</sup> of *June* last; by a *Dutch* Privateer, and retaken the 12<sup>th</sup> following, at the Mouth of the *Texell*, as it was making into it, by *Peter Kenton* an *Englishman*, sailing with a private Commission from my Lord Duke of *Richmond*, and since brought to the Port of *Sunderland* in *England*. The Question is, whether this Ship ought to be adjudged to *Kenton* as a Prize, or else restored to the *English* Proprietors upon Salvage? I must confess there have been Judgments in the Admiralties of *France* given, whereby Ships, thus rescued, having been above 24 Hours in the Power of the Enemy, hath been adjudged Prizes to the Rescuer, even against the *French* Subjects; and there is an express Ordinance of *France* to that Effect: But this Ordinance hath never been affirmed or verified (as they call it) by Parliament; these Judgments upon it have been reversed by several solemn Decisions in the Parliaments both of *Bourdeaux* and *Rouen*; and *French* Proprietors have recovered again their Ships upon Salvage, notwithstanding a much longer Possession than that of 24 Hours by the Enemy. In *Spain* likewise the Law is so, that the King's Men of War are in all Cases to restore the Ships of *Spanish* Subjects upon Salvage. In *England* we have not the Letter of any Law for our Direction; only I could never find that this Court of Admiralty either before the late Troubles, or since your Majesty's happy Restauration, has in these Cases adjudged the Ships of one Subject good Prize to another; and the late Usurpers made a Law in 1649, that all Ships rescued, whether by their own Men of War, or by Privateers, should be restored, upon paying one Eighth Part Salvage, without any Regard to the Time such Ships had been in the Possession of the Enemy, or to any other Circumstance, unless the Ship taken were made a Man of War by the Enemy; and in that Case, a Moiety

. went



went for Salvage, but the Ship was still to be restored. Whether the Ufurpers intended this as a Novelty, or an Affirmance of the ancient Custom of *England*, I will not take upon me to determine; only I will say, that Condemnations upon the Enemies Possession for 24 Hours, is a modern Usage: And the other Practice, of restoring such Ships upon Salvage to Fellow Subjects, is more agreeable to the Equity and Gallantry of the old *Imperial Law*, and suits best with that Protection which the Arms of a Prince in War are intended to give to his own Subjects. So that upon the whole Matter, I am of Opinion, that this Ship ought forthwith to be discharged, to prosecute her Voyage for *Newfoundland*; and in case they cannot adjust the Salvage, then the Proprietors to give good Bail to the Rescuer, to pay such Salvage as he shall, upon weighing the Circumstance of his Hazard, Pains, and Expence, be found to deserve. All which, &c.

L. Jenkins.

To the KING.

May it please your Majesty,

Nov. 8. 1672.

THE *Danish Galliot*, mentioned in a Memorial annexed, was condemned in the Admiralty the 20th of September last, a Month before the Date of the Memorial; the Reason was, that there was no Proctor or other Person impowered, that appeared in Judgment to defend it.

It is true, there was a Passport bearing Date near two Years ago, viz. *Octob. 20. 1670.* under the Queen Mother of *Denmark's* Hand and Seal to it; but the Master doth upon his Oath most expressly confess, not only that his Voyages have been too and from *Amsterdam*, but that one *Henrick Mathias*, who has liv'd Thirty Years last past at *Amsterdam*, had bought this Ship at *Amsterdam* of a *Hollander*, and that the Bill of Sale was made to the said *Henrick Mathias* in his Name, and not to the Queen Mother of *Denmark*, nor in her Majesty's Name.

It is true, that the Envoy did me the Honour to call upon me before this Condemnation was past; he was pleased to urge the Treaties between the Two Crowns; but I did, with all Humility, observe to his Excellency, that this Ship had not a Passport in that Form on board it, as by the Treaty was required; and therefore the Property being (as the Master had upon Oath confessed) vested in an Inhabitant of *Amsterdam*, not only by a Bill of Sale, but by his actual Payment of the Value when this Ship was bought, I was to proceed *secundum allegata & probata*, and to pronounce this Ship to be Enemies Goods, notwithstanding the Pass of two Years old on board it.

I did at the same time profess a Reverence for the Queen Mother of *Denmark's* Passport; and told his Excellency, that if there appeared a Proctor in Judgment, and should claim the Ship in the Queen Mother of *Denmark's* Name, he should be heard fully, in any Proofs or Defence he had to make against the Condemnation; but there never appeared any Proctor, or other Person, with Power to claim, as your Majesty's Rules of the Admiralty do direct and require; the Sentence of Condemnation therefore ran in *pœnam Contumacie*, according to the usual Form.

This Sentence is appeal'd from, to my Lords your Majesty's Commissioners of Appeal; and their Lordships, on the 7th of *October* last, decreed me to be inhibited from putting my Sentence in Execution; but it appeared unto their Lordships on the 15th, that *Suckley* the Appellant hath no Proxy, and his Appeal is admitted, in case he does shew a sufficient Proxy and Power to claim, and not otherwise; whereby it is manifest, that here is no Proxy, nor Legal Power produced in Judgment to prosecute this Claim to this Day. The Memorial supposes this Cause to be still depending in the Admiralty, whereas it lies before my Lords the Judges of Appeal.

I am not able to give any Account of what is said in that Memorial, to have been told his Excellency by the Judges of the Admiralty, of a Necessity to make Proofs by ~~two~~ *London* Merchants, that the Queen Mother bought and paid for this Ship; for besides that, I cannot guess whom his Excellency apprehends to be in your Majesty's Service, in Quality of Judge of the Admiralty, beside my self; my Notion and Judgment of our Ways of Proceeding, could not possibly lead me to offer any such Discourse to his Excellency. And whereas his Excellency seems to intimate, that the Documents annexed to this Memorial were on Board the Ship at the taking, I suppose he means only the Queen's Passport of the 20th of *October* 1670, and not that bearing Date at *Copenhagen*, the 3d of *September* last, for that could not possibly be on Board it: However, the Condemnation was not for want of Proof, which possibly might have been made to clear that Ship; but for want of prosecuting according to the Forms which your Majesty requires to be observed in that Court of Justice. All which, &c.

L. Jenkins.



## To the KING.

May it please your Majesty,

Nov. 9. 1672.

I Have had the Honour, about Six Weeks ago, to give your Majesty an Account, by Mr. Secretary *Coventry*, of Captain *Bienvenue's* Case, by way of Answer, which your Majesty commanded to be given to a very large Memorial of his Excellency the French Ambassador on that Behalf; the Address annexed is from Captain *Bienvenue* himself, who is now proceeded against, and his Cause ready for hearing in the Admiralty. The Charge against him is Piracy, Murder, and other very high Misdemeanours. He complains to your Majesty, that his Crew, having mutiny'd and rebell'd against him, are no Legal Witnesses; but he not daring, it seems, hitherto to appear in Person, doth not offer this Defence, or any other, in the proper Place; I mean, in the Court where he is proceeded against; if he please to come at any Time he shall be fully heard there; and if Sentence do go against him, he hath his Remedy by way of Appeal to your Majesty in *Chancery*; in the *interim*, his Royal Highness has an Interest, that the present Proceeding at Law be not interrupted; for if the Piracy be legally proved against him, the Forfeiture of Ship and Goods, or the Value they are sold for, restored; but to pray that the Trial of this Crime be remanded into *France*, or that his Accusers, who are none but such as prosecute on your Majesty's and his Royal Highness's Behalf, to give 2,000 *l.* Security for his Damages, is, as I humbly conceive, against your Majesty's Prerogative, and the Course of the Law in *England*; and I know no Means the Captain has now left to save his Ship, but to appear in Person, and to purge himself by due Course of Law. All which, &c.

L. Jenkins.

## To the KING.

May it please your Majesty,

April 21. 1673.

I N Obedience to your Majesty's most gracious Order in Council, commanding me to report to this most honourable Board, the chief Grounds and Reasons of my Sentence of Condemnation given against the Ship and Goods of Captain *Bienvenue*, arrested as *Bona Piratarum* at *Kinsale* in *Ireland*, I have thus much humbly to lay before your Majesty.

1. THERE have been two Sentences given against this Captain, the one was, an Appeal from the Judge of the Admiralty of *Kinsale*, in a Cause of Mariners Wages: It was a Sentence simply remissory, (for that the Plaintiff did not put in any Libel, or deduce any Cause he had to appeal) I could do no otherwise than remit the Cause to the Judge *à quo*, no Person appearing in 4 Months Time to prosecute or maintain the Appeal: So that the Captain must blame his own Neglect and Contumacy, if he were not relieved; for he should have been heard, and his People chastis'd, had it legally appeared they were, or had been mutinous; had demanded, or done any thing not agreeable to their Contract, and the Customs of the Sea. And I know not, under Correction, any other Way, whereby your Majesty's own Subjects may be relieved in any Cause, against a Sentence judicially given, but by the like Judicial Sentence in a superiour Court of Appeal: There being nothing more unheard of in *England*, than to measure Judicial Proceedings by extrajudicial Surmises or Reports of a Party, who durst not, at leastwise did not appear in Judgment to make good what he has so often, in so many Addresses, alledged to your Majesty.

THE 2<sup>d</sup> Sentence was in a Cause of Piracy, begun here in the Name and Right of his Royal Highness, as Lord High Admiral of *England*. But the Prosecution was not begun till after Information had been given upon Oath to the Court, of several Piracies committed by the said Captain, who being summoned to answer, and make his Defence, made no Appearance, and all the Proceedings were *in penam* of his Contumacy; a Libel or Charge was given in, Witnesses were produced and sworn upon it, Publication was decreed, and Sentence was given, the Rigours and Solemnities of the Law being in all Things observed. The Charge upon him, and proved against him, consisted of the following Heads.

1. It was deposed by several Witnesses, that Captain *Bienvenue* set out of *Rochel* in *March* 1670-1, with an Equipage of 24 Men, whereof one and twenty were French, one Venetian, one Dutchman, and one Englishman. His Ship was called, *The Orange Tree*: Her Force was 5 Guns mounted, 20 Musquets, 12 Cases of Pistols, about 20 Cuttle-axes, besides other Weapons. The Design was declared for *Guinea*, from thence to the *West-Indies*, and thence back again directly for *France*. The Agreement with the Crew was at 10 Months certain, and 12 uncertain.

2. THAT

2. THAT next Day after setting Sail from *Rochet*, he espied three *French* Fishermen, man'd out his Ship with his Lieutenant, his Son, and 4 others, with Fire-Arms and Cuttle-axes, and commanded them to seize the said Fishermen, which was accordingly done; and they were, by his Command, robbed of about 40 l. worth of Fish, which was brought on board him pickled, and served for a great Part of the Voyage.

3. THAT *Bienvenue*, after he had been 14 Days at Sea, took down the Arms of the *United Netherlands*, which were upon the Stern, and burned them, and coloured it *Blue*; and two Days after espied an *English* Vessel under *English* Colours, and in contrary Course to him, put up *Dutch* Colours, and with full Sail chased the said *English* Ship, haling them to strike, and come on board him; which the said *English* Ship refusing to do, and endeavouring to escape, the said Captain commanded his Lieutenant to fire at her two Guns, and continued to fight her three Hours, charging his Company to lay her on Board at the first Opportunity; but the *English* Ship escaping by the Benefit of the Night, the said Captain returned to his Course for *Guinea* again.

4. THAT about 5 Days after, he, the said Captain, espied another *English* Vessel, he put out *Dutch* Colours, and pursued her so eagerly till he came up with her; the Master being commanded on Board him, and not strong enough to resist him, submitted; who proving to be a *Dartmouth* Man of *Bienvenue*'s Acquaintance, was (least, as the Witnesses do depose, the piratical Designs of the Captain might be discovered) dismissed for 12 *Poor John* Fish; the *Dartmouth* Man discovering, by his trembling and confessing when he came on board him, that he took *Bienvenue*'s Ship, by the manner of the Chase, to be a *Turks* Man of War.

5. THAT his Company declaring, as it is deposed, their Dislike to his piratical Practices and Deviations from the *Guinea* Course, and his Merchant Voyage he at first agreed upon; and telling him, that his Endeavours of Piracy and Deviation, in Chase of the Ships he met with, was not the way to *Guinea*. He answered, he would alter or divert his Course no more; but what Ships he found in his Way, be they *Portuguese*, *Spaniards*, or whatever other Nation, he would have a Pull at them, and take them if he could.

6. 'Tis likewise deposed, that among others of his Company whom he beat and bruised, that the said Captain beat an *Englishman* in so inhumane and cruel a Manner, that that beating, in the Judgment of the Chirurgeon, was the Cause of his untimely Death.

7. It is further deposed, that the said *Bienvenue* pressed and compelled some of his Company that lay sick and languishing a Bed, to rise and work beyond their Strength; such was his Cruelty exercised on the Carpenter, who being threatned to be cut in Pieces, or thrown alive over-board, was forced to rise out of Bed to work, whereas he fainted and died the next Day. Another of his Company being sick and languishing, he commanded to be set on Shore in the Island of *St. Thomas*, leaving him there to the Mercy of those Savages, without Money, Cloaths, or Victuals.

8. It is deposed, that when the said Ship, *The Orange Tree*, being destitute of her Pilot (lately dead), and not venturing to sail further in the River upon the Coast of *Guinea*, pray'd and obtain'd a Pilot from an *English* Ship, which she discovered in the same River; in Return whereof the Captain would have his Company join with him to rob the said *English* Ship; which he would have effected, had not his Company refused.

9. THAT the said Captain having hired Negroes to mend his Boat, and leaving one of his Company among them in Pledge for Payment, refused to give them any Satisfaction, but weighed Anchor, and left the Mariner behind him to the Mercy of the Barbarians.

10. It is also deposed, that *Bienvenue* being at the Island of *St. Thomas*, had two *Portuguese* put on Board him, whom he obliged himself to put on Shore in some Christian Plantation; but he carried them to *Cayana*, a *French* Plantation, where he exposed them to Sale; and afterwards to *Barbadoes*, where they were sold for Slaves: And at last the Injury done to the *Portuguese* being discovered to the Justiciary there, they were set at Liberty, paying some Composition to the Buyer.

THESE, under your Majesty's Correction, were the Grounds of that Sentence I did pronounce; the Defendant might have taken any Exceptions to them, had he thought fit to appear; and if he hath appeal'd within the Time limited by the Law, his Exceptions will be still entire unto him: And it will be proper for the Judges of Appeal to determine, whether a Person accused of Piracy, being not your Majesty's Subject, may be proceeded against in *poenam Contumaciae*, to the Condemnation of his Ship and Goods as *Bona Piratarum*, in any of your Majesty's Ports where he happens to be arrested? And whether your Judges be obliged *ex officio*, in a Case as this is,

to wave the Cognisance of it, and to send it to be tried into *France*; which I must confess I did not do, as knowing no Law, Custom, or Treaty, that directed any such *Renvoy*, or Dismission, as is desired; being certain that had I given Cause by this *Renvoy* to his Royal Highness's Council to Appeal, your Majesty's Judges Delegates would have thought it somewhat strange, as the Law of *England* is, that the Lord High Admiral of *England*'s Council should be sent into *France* to plead for his *Droits* of Admiralty accrued to him in your Majesty's Ports. All which, &c.

L. Jenkins.

*To the Right Hon. the Lords Commissioners of the Admiralty.*

MY LORDS,

THE Merchants, Freighters of the two *English* Vessels, the *Dove* of *Bridlington*, and the *Elizabeth* of *Tarmouth*, as also the respective Owners and Masters of those Vessels, have, as I conceive, a good Action of Spoil and Damage, as we here term it, against the *Dutch* Caper that detained and robbed them. Nor do I know that this Action can be any where but before your Lordships in the Court of Admiralty, where the Merchants and Owners are to proceed by Process, against the Man of War and the Commander, in order to be repaired; the first for the Loss of their Goods laden on, and taken out of the several Vessels; the other, of their Loss of Time, and the Violences whereby they were forced out of their Course. And tho' what the *English* have been forced by Torture to confess, should be true in Fact, viz. that their Lading did belong to *French* Subjects, yet this Caper was not to meddle with them; it being express in the 35<sup>th</sup> Article of the Marine Treaty of *Breda*, that *English* Bottoms shall make their Goods free, who happen to be Enemies with the *Dutch*.

THIS being the Case, your Lordships will, I doubt not, find Cause to assert an Article so beneficial at this Time to the *English* Trade, and not suffer so open a Violation of it to go unpunish'd.

As for the Way of punishing the Captain, for his Violences and Menaces of Torture and Death; as also those of his Officers, for torturing our Pilot with such barbarous and unmanly Cruelties; the regular Way is, at a Sessions of Oyer and Terminer for the Admiralty. There we proceed by Jury, and in all Things according to the Course of the Common Law; but the Commission we had always on Foot for that Effect is, upon the Resignation of his Royal Highness, no longer in Force; and, as I humbly conceive, must be renewed in your Lordships Names.

IN the mean time, these Men may be committed to the *Marshalsea*, and their Ship continue under Arrest, till the Owners of *Flushing* do give Bail to the Action of the Merchants, or else may be sold by Decree of the Court, to prevent its perishing, in case the Setters out appear not to defend it. All which, &c.

L. Jenkins.

*To Mr. Secretary Coventry.*

SIR,

THE Matter of Fact is represented in this Memorial (which I take Leave to return here inclosed) very differently from the Proofs as they lie here in the Admiralty against *Cornelius Arenson*, the *Flushing* Privateer; for there it is sworn, the Torture was acted upon our Men in his Presence, and with his Approbation; and that it was not one *Frenchman*, but two of the King's *English* born Subjects, that were put to this Torture.

THE Matter of Law likewise, as it is insinuated, will not be agreed to on our Part here; for the Goods of *Frenchmen*, (are by the 35<sup>th</sup> Section of the third Article of *Breda*) when they are laden in *English* Bottoms, tho' found there by the *Dutch* (who are now in Enmity with the *French*) to pass free and discharged; so that this Privateer had no Right to intermeddle with the Lading of our Ships, since the Lading was not contraband, but Wines and Brandy, tho' we should suppose they belonged (which yet is denied upon Oath) to the *French*.

ANOTHER Question in Law is offered at to be begg'd in this Memorial; it is, that this Captain, if the Charge against him be true, is to be sent into *Holland*, where the States will take Order to have him exemplarily punished, by the Judge that is competent in this Case. I will not say, SIR, that this is an Insinuation, that we have no Judges competent here in *England* in this Case; but I shall, under Correction, presume to aver, that there is neither Law nor Precedent for this kind of *Renvoy*, which is here demanded, from one absolute Sovereign to another, that does obtain, and is of Force in any Part of *Christendom* at this Day.

Bur

BUT if his Majesty is disposed to do an Act of meer Grace and Clemency, in Favour of this Memorialist, my Lords the Lords Commissioners of the Admiralty, by whose Order these Men are in hold, may, if their Lordships think fit, direct the Judge of the Admiralty, or his Surrogate, to take Bail of these Men for their Appearance at the next Sessions of the Admiralty; and if they have been in Irons, as is suggested, it will be so much the more a Grace to do it, as it is not possible in some Weeks yet to hold those Sessions of Oyer and Terminer for the Admiralty; for it hath so fallen out, that the new Commission for that Purpose, could not possibly be got out Time enough to give Notice to the Sheriff of *Surry* to do his Part, before my Lords the Judges went their Circuits; nor would it be decent to execute such a Commission, wherein most of them used to be named, at a Time when all of them are absent. It being always our Custom, to give Notice to such as are in Commission and in Town, of our Time and Place of sitting; and where there is arduous Matter of Life and Death, to pray their Presence and Assistance. However, the private Man of War, if it can disentangle it self from the Civil Action of Damage laid against it by the Proprietors of the Wine and Brandy it did seize, may be dismissed by their Lordships Favour and Grace, to the *Dutch* Setters out; who have by this Detention suffered their Share abundantly for the Misdemeanour of their Captain. And my Lords the Commissioners may possibly come to the same favourable Resolution, touching those *Englishmen*, who are now in the same hold with these Torturers, for bearing Arms with the *Dutch* in this unhappy Man of War. I am, &c.

*L. Jenkins.*

*To the KING.*

*May it please your Majesty,*

*Nov. 27. 1674.*

UPON Sight of the Memorial annexed, I caused a Search to be made in the Registry of this Court of Admiralty, and find an Original Warrant, taken out by *Thomas Delavall*, to arrest the Ship *Mercury* in the Point of Property, as belonging to himself and Company; which was done (as is most usual in this and other Courts) without any Information previous, or Decree that it should issue out: The Merits of such Warrants being to be heard after the Execution, and upon the Return; that Warrant being not yet return'd, nor any Application, nor Complaint here being made about it, I sent for the Proctor, whose Hand was to the Registry of Warrants (as having taken it out), and finding that his Client (*Delavall*) had no other Pretence to arrest the Ship, but that it had been taken from him as Prize in the late War, and had not yet broken Ground in any Part of the *Low Countries*, or been condemn'd according to the usual Forms; I did immediately send for the Register, and decree the Ship to be releas'd. And so now it stands discharg'd of the Arrest; for the 4<sup>th</sup> Article of the Treaty of *Breda*, reaffirm'd by that of *Westminster*, does give an indefeasible Title to the *Hollander*, in Possession of this Ship (if he were so, or any other *Hollander* from whom he derives) at any Time during the War, and debars Mr. *Delavall*, who was out of Possession at the Time when the last Treaty of Peace took Effect, of all Plea whatsoever to recover the Ship.

I shall most humbly crave Leave to observe to your Majesty, for the purging this Court from any vexatious, or indirect Proceedings in this Case, that 'tis lawful for any of your Majesty's Subjects, and that it hath been the constant Course, to take out such an Original Warrant out of this your Court, to arrest any Ship whatsoever, without giving any Account of his Pretences, till the Return of this Warrant: But he doth it at his own Peril, if he do it upon mistaken or illegal Grounds. So if the Agent, or Correspondent of the Master here, had made the least Application, or given Information to this Court, the adverse Proctor would have been called to answer to the Complaint; and the Ship, upon Hearing, would have been forthwith discharged: And then his Excellency the *Dutch* Ambassador would not have troubled your Majesty with this Memorial, which comes, under Correction, when Justice is not so much as demanded, much less delayed, or denied in the ordinary Course.

*L. Jenkins.*

*To Colonel Bream's Deputy of the Admiralty in Dover.*

SIR,

*May 31. 1675.*

THIS Gentleman coming to me Express from the Mayor and Jurates of *Hyth* for Advice, in Relation to a *Dutch* Merchant Man that sav'd it self from a *French* Man of War: I perceive that the Serjeant of the Admiralty threatens that Town with

with Trouble, and Interruption in their Affair; but I fear you'll find he goes beyond his Commission, very much to the Dishonour of the Government, and contrary to all Law and Sense; for the *Dutch* being now the King's Allies, and flying to his Port, (which ought to be sacred for Protection) they incur no Forfeiture of Anchor and Cable, nor any other Duty by Way of Salvage. 'Tis barbarous, as well as unjust, to demand any Thing in such a Case; and if it came to the King's Ear by Way of Complaint, the Serjeant must expect to smart for it. I am glad the Men of *Hyth* have done their Duty so well, in shewing themselves ready to defend the King's Ally in the King's Port; yet there is no such Thing as Salvage as they can pretend to, only such as have spent any Time, or given their Assistance in the Service, ought to have a *Quantum Meruit* (every one in Proportion to what each of them hath deserved) much less hath the Serjeant any Colour to demand the Custody of any of the Goods that are deposited in the Towns Mens Hands. There being nothing of Wreck or Enemies Goods in this, but the voluntary Act of the Master, putting these Goods into their Hands and Keeping. If the *Dutch* Merchant be not gone clear away, he'll satisfy the Towns Men for their Damage and Pains; if he be, the Mayor and Jurates may legally desire from the Court of Admiralty a Sale of such of the Goods as are *peritura*; and the Court may, if the Merchants come not to satisfy the Men of *Hyth*, adjudge them what is reasonable, reserving the rest to the Proprietors. This I thought fit to write to you, SIR, that the Court may not run into any Error or Reproach, in a Case where the King's Honour and the Law of Nations is concerned. I'll speak with the Governour by and by in the House of Commons. I am, &c.

L. Jenkins.

### To the KING.

May it please your Majesty,

May 12. 1675.

I Have, in Obedience to your Majesty's Command, intimated to me by the Right Honourable Mr. Secretary *Williamson*, perused the Memorial of his Excellency the Lord Ambassador of the States General of the *United Provinces* of the 2<sup>d</sup> April, concerning the Ketch *St. Joseph*, and do find the Matter of Fact therein to be deduced as follows: That the Ketch *St. Joseph*, belonging to *English* Subjects, was first taken by Sally Men of War, and was afterwards bought of them by *French* Merchants; and that the same Ketch, being in the Possession of the *French*, was again taken from them by the *Dutch*, since the Beginning of our last Wars against the *United Provinces*, and condemned in *Holland* for good Prize, and afterward sold to a *Holland* Merchant: That this Ketch being in a Course of Trading, happened to come to the Port of *Dover* in *October* last, and was arrested there at the Suit of an *English* Merchant there; alledging, that himself was the true Owner thereof, before she came into the Hands of the *French*; and that this Ketch having been taken from him by *Algerines*, it was not good Prize to them (your Majesty not being at Peace with them at that Time) nor consequently a legal Purchase to the *French*.

THE Matter of Fact being supposed to be thus, it is my humble Opinion, that the *English* Proprietor hath lost his Right in the Ketch, the very Moment it came to the Hands of the *Hollanders*, since it came to their Hands, during the late Hostility; and that the *Hollander* that took it, (what Circumstances soever of Time and Place the first Capture had) acquired an absolute Property in it, which was made irrecoverable by the subsequent Treaties. But I find upon Information from the Register of the Admiralty Court of *Dover*, that this Action hath been dismissed there, (as it ought to have been) because it being made out, that the Possession was once vested in the *Dutch*, during the War, all Right, Property, and Title of the *English* Proprietors therein became extinguished, by the 4<sup>th</sup> Article of the Treaty of *Breda*; by which all such Possessions are made legal, and not to be called in Question, as it hath been often (I may say very often) judged in your Majesty's Court of Admiralty here in the like Cases. But the *English* Proprietor finding his Action dismissed in the Admiralty, layeth an Action of Trover and Conversion upon the same Ketch at Common Law in the Town Court at *Dover*, before the Mayor there, where the same Information tells me, it is now depending. Whether this Way of Proceeding be not vexatious to poor Strangers coming upon Confidence of the Law of Nations, to trade in your Majesty's Ports, as also injurious to the ancient Rights of Admiralty, I shall not take upon me to determine. Only your Majesty may be pleased to consider, that this Trover (if any such there were) was upon the high and open Seas, and that the Mayor of *Dover* cannot draw the Cognisance of it before himself, but by a Fiction at Law, which Kind of Fiction, if us'd and allowed, may remove all Matters cognisable before the Admiralty, to the Courts of Common Law, sitting in the

the several Ports of this Kingdom; and consequently make the Officers of small Corporations Judges upon the Law of Nations, and your Majesty's Treaties with Foreign Princes and States; which not being exactly heeded to, may be an Occasion of the like hard Measures, Vexations, yea, of Reprisals too, upon your Majesty's Subjects in Foreign Countries; how this may be remedied, I shall not presume to offer to your Majesty, assuring my self, that my Lords your Majesty's Reverend Judges and Council at Common Law, will fully inform your Majesty, as well upon the Right, as upon the Consequence of such Proceedings. All which, &c.

*L. Jenkins.*

*To the KING.*

*May it please your Majesty,*

*May 12. 1675.*

**I** Have, in Obedience to your Majesty's Commands, intimated unto me by the Right Honourable Mr. Secretary *Williamson*, perused the Memorial of his Excellency the Lord Ambassador Extraordinary of the States General of the *United Provinces*, of the 7<sup>th</sup> of *April* last, concerning the *Postillon* of *Cadiz*, a *Dutch Ship* belonging to *Horne* in *Holland*, and laden, among other Commodities, with 164 Pipes of *Spanish Wines*; what is deduced in the said Memorial, exactly agrees with what the Master himself and seven others (your Majesty's Subjects, that are Persons unconcerned, and were Eye-Witnesses of the Fact) do speak in their Depositions, taken before the Deputy Vice Admiral of *Dartmouth*, and is to the Effect following: *viz.* That the said Vessel, on the 29<sup>th</sup> of *March* last, being at Anchor in your Majesty's Port of *Torbay*, and finding four *French Ships* making at her, and by the Guidance of a Pilot from on Shore, cut her Cable, and ran a-ground for better Security, within half a Halser's Length of the Key. That the said *French Ships* arm'd, mann'd, and sent out 4 Boats, under the Conduct of a Frigate, to seize the said *Dutch Vessel*, which the *French* accordingly did; they advancing so far within the Port, that the Bullets which they shot lighted on the dry Shore (so near were they to the Land): And notwithstanding there was a Musquet shot from Shore at them, for a Signal of your Majesty's Authority and Protection, they boarded and carried her away. That afterwards the Deputy Vice Admiral went on board the *French Admiral*, and in your Majesty's Name demanded Restitution of the said Ship and Lading, as being unduly seized within your Majesty's Port, and violently carried away from off your Majesty's Ground. But the *French Admiral* excused himself, saying, that since he had taken her, he must carry her into *France*; and if it was to be disputed, he would leave that to the King his Master.

THAT the Matter of Fact was thus, I have all Reason to believe, because it agrees with the Information I have from Sir *John Fowell*, your Majesty's Vice Admiral in those Parts; and I humbly conceive it to be a Violation of that Security, which all Parties in War ought, by the Law of Nations, to suffer each other to enjoy in your Majesty's Ports. And as your Majesty's Vice Admiral used his Endeavours to prevent the said Violation, so the *French Commander* is more deeply in the Wrong, in that the Action here is not of a desperate Caper, but of a Commander of Note; who being admonish'd by the proper Signal, and spoken to by the proper Officer to forbear Hostility, has more violated the Reverence due to your Majesty's Ports, than I have known hitherto in any Case that has fallen within the Compass of my Observation.

THAT there is a Reparation most justly due to your Majesty, and to your Majesty alone in this Case, is my humble Opinion; yet I know not how that Reparation can be reputed a full and satisfactory one, unless the Ship and Goods that were taken out of your Majesty's Protection be restored, or else the full Equivalent thereof with the Damages; 'tis true, the *Dutch* are now in a Capacity to make a direct Demand of such a Restitution from the *French*, yet if the wrong Doer do carry away and enjoy the Fruits of his Violences, and the innocent Ally be forced to sit down by his Loss, the Rights of Ports, where every Man promises to himself Safety from his Enemy, (as it were upon the Publick Faith) will be thought not asserted to the full, since they consist not only in the Reverence due to the Government, but in the Indemnity of all Parties for the Punishment of an unjust Violence, such as this is; and which undoubtedly belongs to your Majesty, and to your Majesty alone to punish; the Affront to Authority must in the first Place be expiated, but then the Loss to the Party violated ought, as I humbly conceive, to be fully made up. However, the Time and Manner of demanding this Reparation, is not (cannot be) prescribed by any Rule of Law that I know of; therefore I shall not presume to speak any Thing in it; your Majesty's Reasons of State, and your Royal Resentment, being the proper Measures for this Demand. All which, &c.

*L. Jenkins.*

## To the KING.

May it please your Majesty,

May 20: 1674.

I Have, in Obedience to your most gracious Command intimated to me by the Right Honourable Mr. Secretary *Coventry*, examined the Matter touching several Parcels of *Guinea* Gold, which were, by virtue of a Warrant from the Admiralty, seiz'd on Board the Ship *William*, *Henry Oakes* Commander; who being sworn before me, deposted to the Effect following: viz. That having taken in Negroes and other Goods upon the Coast of *Guinea*, he came to *Jamaica*, and having discharged them, was laden there with several Goods of the Growth of that Island, for particular Merchants here in *London*; and particularly that he took in seven Parcels of Gold, Silver, and Jewels there, for each of which he gave Bills of Lading; three of which Bills, for the Value of about 400 *l.* Sterling, he shewed me, Consignation being to three *Jews* here in *London*; and the other four Parcels, he says, he cannot so particularly specify, not having the Bills of Lading about him; but saith, he doth not know, nor hath any Suspicion, that those Parcels of Gold, Silver, and Jewels, or any of them, or any of the other Goods laden on Board the said Ship at *Jamaica*, are belonging to his Majesty, or that his Majesty hath any manner of Right therein; but saith, 'tis true, that whilst the said Ship *William* was upon the Coast of *Guinea* as aforesaid, there were, on or about the 15<sup>th</sup> of *July* 1674. laden, or put on Board the said Ship, by one Mr. *Richard Rome*, two Bags of *Guinea* Gold, containing 32 Marks, 4 Ounces; 13 Angels consign'd to Mrs. *Anne Watson*, or Order, for which also he signed three Bills of Lading, which the said *Richard Rome* said belonged to one of his Majesty's Men of War, called the *Phoenix*; (whereof Capt. *George Watson*, late Husband of the said Mrs. *Anne Watson*, was a little before Commander) and saith, that the said two Bags were brought out of his Majesty's said Man of War, (which lay then at *Cape Coast* on the Coast of *Guinea*, near to the said Ship *William*) on Board the said Ship *William*; and saith, that he well knoweth that his Majesty's said Ship the *Phoenix* did, a little before that Time, take near *Cormantine*, a Ship from the *Dutch*, called the *Asia*; and that there were also some small Parcels of Gold put on Board the said Ship at *Guinea*, by others; but those Parcels he is well assured the Laders thereof bought there, or had the same upon Barter from the Natives. Thus far this Master deposeth.

THIS Gold consigned to Mrs. *Watson*, had been delivered out by this Master, and was taken by the Marshal at *Gravesend*, as it was landing there.

THAT it was taken for Prize upon the *Guinea* Coast, will not, I suppose, be disputed; but there will be a Question, I perceive, that must be stated upon the Matter of Fact between the Taker and the *Dutch*; for it is suggested, upon what Ground I do not yet know, that this Prize Ship, the *Asia*, was not taken till two Days after that Hostilities were, by the Treaty of Peace, to cease upon the *Guinea* Coast. If this be true in Fact, the Gold must be restored to the *Dutch*; if otherwise, is to be condemned as lawful Prize; in the interim, all that is done, or can be done is, that this Gold, intended to be landed at *Gravesend*, is secured in the Hand of the Register, and Monitions are issued out, in order to bring the Ship *Asia*, and another *Dutch* Ship, called the *Maria*, to Judgment, whether Prizes or not, tho' the first be carried, as I am told, to *Barbadoes*, and disposed of by your Majesty's Governour there. This is all the Account I have been able to get of that Affair, which I humbly submit to your Majesty's Royal Wisdom.

L. Jenkins.

## To the KING in Council.

May it please your Majesty,

Oftober 1675.

UPON the View that I have had of Captain *Cook's* Proceedings in the Court of *Spain*, and particularly of the two Commissions or Sentences given by the Queen Regent; it is my humble Opinion, that Captain *Cook* must prosecute these two Sentences at the *Havana*, and affect the Ministers of Justice there with a Denial to execute the Queen's Commissions; or else with such Delays as amount to a flat Denial, before that his Cause be ripe for the granting of Reprials.

It is true his Case is sad, and it may be as true, that these Sentences were given not with any Intention to remedy him, but as an Amusement only, and with a Design to put him off. This seems to be the Judgment of his Excellency, your Majesty's Ambassador upon the Place, which as it is a Matter of State, and an Account how the Ministry there governs it self towards your Majesty in this Juncture, I shall not presume to offer any Thing to your Majesty as to the State Part of it. But as to the

Matter



Matter of Law in this Case, I do humbly lay it as a Ground, that Reprisals will not lye, where there is neither Denial of Justice, nor such a Delay of it, as amounts to a Denial.

IN this Case, it cannot be said there is a Denial, in Regard that here is an entire Satisfaction awarded in the Queen's Commissions, with Circumstances of seeming Favour, all Appeals and other intermeddling with the Merits of the Cause being absolutely forbid, and all necessary Power for the due Execution of them given to the proper Officer; nor yet do the Delays suffered in *Spain* amount to a Denial of Justice; for tho' the Attendance there was for 9 whole Months, yet a Judgment being sued for, and at last given, that Delay cannot be said to amount to a Denial of Justice.

It is true, and a great Mischief, that the Parties wronged are sent to the *Havana*, to have Reparation done them; yet I must confess, I cannot understand how it could have been otherwise ordered in this Case; and if a Spoil were committed upon *Spaniards*, by your Majesty's Subjects of *Scotland* or *Ireland*, upon either of those Coasts, and that the wrong Doers were there, I know not how such *Spaniards* complaining, could refuse to go (when your Majesty should direct it) to seek and receive their Remedy, and the Execution of your Majesty's Award and Pleasure, from the Justice of the Place, where the Injury was done.

It is said indeed in Captain *Cook's* Memorial, that *Francisco Lopez de Andrade*, one of the Spoilers, and others of them, were in *Spain*, while the Captain was there: Tho' this be true, yet it will be very obvious to the *Spaniards* to reply, that Captain *Cook* did not sue out any Process against him; and if he had, that the said *Lopez* should not have been shelter'd from the publick Justice. Thus it may be thrown upon Captain *Cook*, to shew he hath begun any Prosecution, Civil or Criminal, against *Lopez*, and that Justice was denied him, else his Complaint, that he is not like to meet *Lopez* at the *Havana*, will signifie little, to make that Circumstance a Denial of Justice.

THAT which may seem hardest in Captain *Cook's* Case is, that he is sent to the *Havana*, to those that have already flatly denied him Justice; and tho' they should be prevailed with to proceed to execute the Queen's Commissions, yet that they will require a new Liquidation, and fresh Proofs of the Losses and Damages.

To this they will answer in *Spain*, first, that those of the *Havana*, are now no Judges in the Merits of the Cause, but only Ministers to procure the Reparation that the Queen hath awarded; as to the new Liquidation, they will say, they must be allow'd to govern themselves according to their own Laws and Forms in the Manner of Proceeding. They will further confess, that the Proofs made in the Admiralty here, would have been sufficient Grounds for Reprisals, had these Sentences for Satisfaction been denied him; because the whole Matter must have been taken *pro confesso*, and the Sum in Proof must have been the Sum; for the levying of which, the Letters of Reprisal must have been granted and limited, for all Reprisals must be limited to a certain Sum: But the Queen not having condemned the wrong Doers in the Sum demanded and deposed to in the Admiralty here, the Law there (if I mistake not) allows the Defendants being seized, and executed upon, in Order to bring the Plaintiff to a new Liquidation.

ONE Mischief more there is in this Case, the wrong Doers may prove insolvent, or be dead by this Time, or else get out of the Reach of the Justice of the *Havana*; but these are Accidents, for which it can hardly be made out, that the Crown of *Spain* is accountable, in Case the Courts of Justice are otherwise always open. For these Casualties are such as frequently intervene in all the Governments in the World; and where Men come to be insolvent, or cannot be met with, there can be no Remedy, tho' the Government it self be never so nearly concerned, either in its own Revenue, or in the Execution of publick Justice.

ALL these Mischiefs put together, give but little Prospekt or Hopes to Captain *Cook* of real Reparation, yet these are not (as I humbly conceive) of that Nature, as to excuse or dispense with him, (if he pretends to Reprisals) from using all Means and Diligences possible to demand, and prosecute the Execution of his Sentences at the *Havana*; for till he hath used all the Instances and Diligences, that any Subject of *Spain* would be obliged to in his Case, he will not be sufficiently founded to obtain your Majesty's Letters of Reprisals.

THIS Run will be extremely tedious, chargeable, and uncertain in the Success; yet I can think but of one Way to prevent it, it is (may it please your Majesty) by calling on the Government of *Spain* to nominate certain Commissioners on each Side, that shall hear and determine this and all other Differences arising from Depredations at Sea.

THE *Third Article* of the Treaty at *Madrid*, does expressly mention, and in a manner suppose a Constitution of, and Recourse to such Commissioners, in order to prevent the hard Remedy of Reprisals. This would be much the shorter Way, but it would bring on such Reckonings of the same kind, that they at *Madrid* do threaten to charge upon your Majesty's Subjects: However, I humbly take Leave to mention it, because the Queen Regent having given two Sentences or Commissions, that have the Countenance of an entire Satisfaction, (for so they are worded) it will be a very hard Matter for a Stranger, as Captain *Cook* is, not to make one false Step, but so to bring it about in his Prosecution, as to affect the Justice of *Spain* with those wilful Delays, as may be fit for your Majesty to grant Reprisals upon; and I mention this the rather, in that this Way of treating by Commissioners for Depredations, I find to have been the usual Course between that Queen and her Neighbours.

ONE Word more I humbly crave leave to intimate, that the Treaty of *America* does require a further Elucidation and Adjustment by Consent between your Majesty and that Crown; for it appears by the Judgment of the Queen in that Matter of the *Compeche* Wood, and other Matters therein touched, that they in *Spain* are beforehand with your Majesty, and do by their *Cedulas Reales*, affix new Interpretations, in declaring upon the Treaty, what shall be Pirate or not Pirate, what shall be Prize or not Prize, without communicating (it seems) with your Majesty, and without any Publication that may reach your Majesty's Subjects. All which, &c.

L. Jenkins.

To the KING in Council.

May it please your Majesty,

Octob. 11. 1675.

IN the Case of *De la Mothe*, a French Privateer now under Seizure at *Harwich* with his Prize, (a *Hamburg* Ship bound for this Port) there are three Points in Dispute between him and the *English* Merchants interested in Part of the Lading.

THE 1<sup>st</sup> is, whether that *Frenchman's* Commission be good to make the *Hamburgher* Prize? It being alledged, that the Commission bears Date in *May*, but that the War against *Hamburg* was not declared till *September*; having not seen this Commission, I can say no more than that your Majesty's Court of Admiralty is not to intermeddle in Judging upon the Validity or Extent of foreign Commissions, where the Parties are both of them Strangers, both your Majesty's Allies, and both in War; if this *Frenchman* have a Commission, tho' of an elder Date than the War with *Hamburg*, I know no Law, by which we can hinder him from carrying away his Prize whither he pleases. It is permitted to him by the Law of Nations, to bring his Prize into your Majesty's Ports, and 'tis permitted to your Majesty by the same Law, to drive him out thence, as you shall see Occasion. But I do not know that it is permitted for us to stop or detain him, unless he have done something against your Majesty's Laws or Treaties, or that your Majesty's Subjects be concerned, in Point of Property, as to the Goods in his Prize, or have otherwise good Cause of Action against his Person.

THE 2<sup>d</sup> Point is, whether this *Hamburgher*, being taken within one of your Majesty's Chambers, and being bound for one of your Ports, ought not to be set free by your Majesty's Authority, notwithstanding he were (if taken upon the High Seas out of those Chambers) a lawful Prize. I do humbly conceive he ought to be set free upon a full and clear Proof, that he was within one of the King's Chambers at the Time of the Seizure, which he in his first Memorial sets forth to have been eight Leagues at Sea overagainst *Harwich*. King *James* (of blessed Memory) his Directions by Proclamation *March 2. 1604.* being, that all Officers and Subjects, by Sea and Land, shall rescue and succour all Merchants and others, that shall fall within the Danger of such as shall await the Coasts, in so near Places, to the Hindrance of Trade outward and homeward; and all foreign Ships, when they are within the King's Chambers, being understood to be within the Places intended in those Directions, must be in Safety and Indemnity, or else when they are surprized must be restored to it, otherwise they have not the Protection worthy of your Majesty, and of the ancient Reputation of those Places. But this being a Point not lately settled by any Determination, (that I know of in a Case where the King's Chambers precisely, and under that Name, come in Question) is of that Importance, as to deserve your Majesty's Declaration, and Assertion of that Right of the Crown by an Act of State in Council, your Majesty's Coasts being now so much infested with Foreign Men of War, that there will be frequent Use of such a Decision.

THE last Question is, whether the *Englishmen* should have such Goods as belong to them in Property taken out of the Prize, and restored to them here, or else be forced to go into *France*, to claim and recover them. It is my Opinion, they should be  
forth-

forthwith taken out and restored, they making full and clear Proof of their Property, that they were, and are upon their Account and Risque; (as some have already done in the Admiralty) and purging themselves by Oath, that they do not claim or colour any Thing for the *Hamburgers*; for where the Thing in Contention is within your Majesty's Jurisdiction, there Justice ought to be administered, and no where else. And I do humbly conceive, that the *French Privateer* hath the less Pretence for a *Renvoy* into *France*, because the Law is the same in that Country.

THE Privateer in his Memorial does, on the other Side, complain, that the Officers of *Harwich*, in arresting of him and his Prize, have pillaged him of his Arms and Ammunition; which, if true, will deserve your Majesty's severe Animadversion against those, that, under Colour of Authority, do abuse the Honour and Protection of your Majesty's Port. And 'tis likewise a Wrong, and a Matter of just Complaint to the Privateer, if any of the Goods in his Prize have been unladen, before the Claimers had made Proof of their Property.

*L. Jenkins.*

### To the KING.

*May it please your Majesty,*

*Octob. 22. 1675.*

IN the Case of *John Wise* and *Richard Holder* Merchants, complaining that your Majesty's Frigates had carried away the Ships *Nicholas* and *Golden Anchor*, with their Lading, upon their Arrival in *Sally Road*, to your Majesty's Port of *Tangier*, where several of their Goods (as they have been advised) are condemned in the Admiralty Court as contraband Goods.

THESE Merchants do own and confess, that they had sent four great Guns, and two small Guns, of above a hundred and half weight each, as a Present to the Governor of *Santa Cruz*; as also a Quantity of *Barbary* Firelocks, as Merchandable Commodities, into the Hands of their Factor in that Port; such Firelocks having been constantly sent (as they affirm, in the Time of War as well as of Peace) as Merchandize, by the *English* and other Nations, to that and other Ports upon the Coast of *South Barbary*.

UPON this Occasion, I sent to speak with some of the Gunmaker's Company, and the Master, Wardens, and four of the Company, have subscrib'd and sworn to the Certificate here annexed; wherein it is certified, it hath been the ancient Usage and Practice (themselves speaking for thirty Years and upwards) to transport and trade with a Sort of small Guns, called *Barbary* Guns, into several Places on the *South Barbary* Coast; and that that Manufacture and Trade is a great Support to those of that Company.

It is sworn likewise, that the *Dutch* do bring considerable Quantities of *Barbary* Guns to that Coast, for the Use of the Natives there; and 'tis certified out of the *Custom-House* Books here in *London*, that in the Year 1665, which was a Time of War, these Guns have been shipp'd out for that Coast, and at several other Times, under the Name of wrought Iron.

THIS being the best Account I am able to give of the Matter of Fact, and Usage; it is my humble Opinion, in Point of Law:

1. THAT none of your Majesty's Subjects hath Right to take contraband Goods (under that Notion) from another, where the Transportation of the Thing is permitted by the Law of the Land; for the taking and confiscating of contraband Goods, is either a Right of the Law of Nations, or else a Concession by Treaty, which your Majesty's Allies may challenge when they are in War, and find such Goods transported by your Majesty's Subjects: And nothing but a Law prohibiting the Exportation of such or such Goods, can give a Right to one Fellow Subject to confiscate the Goods of another, and then that Right is expressed and limited by that Law.

2. THAT tho' it be true, that by the old *Imperial* Law, the carrying of Arms to Infidels, was prohibited upon Pain of Confiscation of Ship and Goods, yet that Law was made upon the Account of the Hostility between the first Christian Emperors and those Infidels; now, besides that there is no Hostility between your Majesty and the People of *Santa Cruz*, but rather an Amity, (since we are permitted Commerce with them) that *Imperial* Law is superceded by the Act of Tunnage and Poundage in the 12th Year of your Majesty's Reign, whereby the Exportation of such Merchandises as are here in Question, are declared lawful, without any Limitation or Exception to any Place, Country, or Port; only it is left by special Proviso to your Majesty, to prohibit at any Time, when you shall see Cause so to do, the transporting of any Sort of Arms or Ammunition into any Parts beyond the Seas. So that if these

these Goods were designed for *Sancta Cruz*, (as it is expressly sworn by the Owners they were) they cannot be reputed contraband by our Fellow-Subjects at *Tangiers*, notwithstanding there be a War at this present against *Tripoly*.

THERE is one Objection, that they were taken in *Sally Road*, in a Time that your Majesty hath a War with that People; I cannot think that these Arms were consigned hence to the Port of *Sally*; for besides that the two Proprietors, Merchants, it seems, of Credit, do expressly swear, they were not so consigned, but directly and expressly to *Sancta Cruz*; the Danger of consigning them in a Time of War to an Enemy's Port was infinite, since it is no less than High Treason in the Transporter.

IF they at *Tangier* have confiscated these Goods, for that the Ships came with a Design of bartering Cloths, or other Goods, (not to be reputed contraband) into an Enemy's Port, I know not what to say in that Case, unless they have your Majesty's Permission or Indulgence, upon your declaring the War against those People; that which the Merchants do say is, that it is the common Usage and Practice among those People, when they have a War with any Prince or State of *Europe*, to allow all Security in their Ports to those they have a War with, tho' they use all Hostilities when they meet the same Nation Abroad in the open Sea.

IF the Custom be so, and that your Majesty hath not prohibited your Subjects to trade with those People, but that they may withdraw their Effects from thence, notwithstanding the present War, it is my humble Opinion, that the Goods of those Merchants should not be confiscate, notwithstanding the Traffick or Barter they intended in *Sally Road*; and the rather, in that your Majesty, in some of your own Declarations of War, hath (and so have other Princes) allowed expressly of such a Temperament, in Favour of Trade, and of the Hazards and Concerns of your Majesty's own Subjects. All which, &c.

*L. Jenkins.*

### *To the KING.*

*May it please your Majesty,*

*Nov. 4. 1675.*

**I**N Obedience to your Majesty's gracious Order of Reference, bearing Date the 22<sup>th</sup> of *June* 1675, We have fully considered of the Petition of *Laurence Polman*, and of your Majesty's Order hereto annexed, bearing Date the 6<sup>th</sup> of *March* 1673. and upon the whole Matter we most humbly certify your Majesty:

1. THAT the Cause mentioned in the said *Polman's* Petition, being a Cause purely Maritime, and happening and arising in your Majesty's Admiralty of the Cinque Ports, and touching a Ship taken upon the high and open Sea in Time of War, and first entered into the said Court of Admiralty by *Abraham Stock*, then and still an Inhabitant of the Cinque Ports; and by *Laurence Blancart*, since dead; the same cannot be treated on, or handled in any Court of your Majesty's out of the Jurisdiction of the Cinque Ports, but ought to be judged and finally determined within that Jurisdiction.

2. It is our humble Opinion, that a Sentence, or a final interlocutory Decree, being given by the Judge of the said Admiralty of the Cinque Ports in the said Court, and thereupon a Commission of Review being granted by his Royal Highness the Duke of *York*, then Lord Warden of the Cinque Ports; and full Power and Authority being by his said Royal Highness granted by his said Commission, to three Doctors of the Civil Law, or any two of them named in the same Commission, to hear and examine the said first Sentence; and finally to adjudge, sentence, and determine the same according to Right and Justice; his Royal Highness himself being then with your Majesty's Fleet at Sea.

AND inasmuch as the said three Civilians have, in virtue of the said Commission, given their definitive Sentence in Writing, we humbly conceive the same to be a valid and good Sentence, and ought to be obeyed, and have full Execution; tho' the same was not given nor pronounced by his Royal Highness, the then Lord Warden of the Cinque Ports, in his own proper Person: Especially when his Royal Highness did afterwards, by an Instrument under his Hand and Seal, bearing Date *June* 24. 1672. ratify and confirm the said definitive Judgment and Sentence of the said Judges Delegates; which we humbly suppose was not without due Information had of the Grounds and Reasons of their Sentence.

So that we humbly conceive that which is desired of your Majesty, *viz.* to hear the said Cause again, upon Proofs already taken, and to sentence the same in your own Royal Person, not to be necessary, nor agreeable to the Course of Admiralty in the Cinque Ports; the Judgment there given by the Lord Warden, being reversible at a Court of *Shepway*, and not other where in an ordinary Way.

3. WHERE-

3. WHEREAS one Branch of the said definitive Sentence, given by the three Judges Delegates in the said Review, was not only to retract and reverse the said first Sentence, but also to declare a certain Bond given in the said Court of Admiralty by *Polman's* Sureties to be such as by Law ought to be cancelled, and to inhibit all Process and Execution upon the same, as being of no Effect or Force in Law.

AND that since the said Sentence given, the said *Abraham Stock* having privily gotten into his Hands, out of the said Court, the said Bond, did prosecute the said *Polman's* Sureties in a new Action upon the said Bond, in one of the Common Law Courts of the said Cinque Ports, wherein being stopped by an Injunction out of your Majesty's Chancery Court at *Dover*, he has lately brought a new Action upon the said Bond, in your Majesty's Court of *King's-Bench*; we hereupon most humbly conceive, that your Majesty's Lieutenant in the Cinque Ports, (your Majesty first signifying to him your Royal Will and Pleasure to that Effect) may order a Process of Attachment to issue out of the Chancery Court at *Dover*, thereby to compel the said *Stock* to deliver up to the said *Polman's* Sureties the said Bond, or else to suffer the Law for his Contempt. All which, &c.

*L. Jenkins.  
R. Wiseman.*

*To the KING.*

*May it please your Majesty,*

*Nimeguen, Aug. 2. 1676.*

HAVING, in Obedience to your Majesty's Orders hereunto annexed, perused such Papers and Documents as have been brought me, of the Proceedings of the Admiralty of *Scotland*, and before the Lords of the Sessions, against the Ship *Calmar* of *Calmar*, *Deirick Jacobson* Master, and her Lading of Pitch and Tar, the Ship being claimed by seven eight Part Owners, all of them *Swedish* Subjects; and the Loading by *Mr. Samuel Sowton* of *London*, Merchant: I am in a great Strait how to report any Opinion, as it is your Majesty's Pleasure I should do, touching the Right of these Parties, and much more to offer any Thing touching the Way they may be relieved, in case they have Right of their Side: For,

1. It is possible that all the Papers and Documents that make against them have not been shewed me, as well as those that make for them.

2. THE several Judgments given against them, by so high and honourable a Court as that of the Lords of the Session is, must be presum'd to have been given upon sufficient Grounds of Law, whatever the Appearances be to me, who stand here in so different and disadvantageous a Light; yet having perused and weighed what hath been brought me of this Process, and being commanded by your Majesty to deliver my humble Opinion in the Case, I humbly beg it may not be thought too great a Presumption in me to say, that had I had the Honour to have had a Vote in that Court, I should not have been able, as I stand now inform'd, to concur with those that were for the condemning of this Ship and Lading to the Privateer that took it.

THE first Sentence against it was in the Admiralty, the 4<sup>th</sup> of *October* 1672; and upon the Claimer's Appeal from it, was confirmed by the Lords of Session the 25<sup>th</sup> of *February* following, excepting that their Lordships reserved out of their Condemnation a Parcel of brass Wire, so far as to admit *Sir Francis Clarke* of *London*, who claimed it, to prove his Property therein; which he did, and it was restored to him.

THE Lords, upon a second Appeal, and Review, adhered to their first Judgment the 13<sup>th</sup> of *December* 1673; and after an interlocutory for admitting further Proofs, touching the Master's *Domicile*, they came to a definitive Sentence the 29<sup>th</sup> of *June* 1675, whereby they still adhere; and so the Ship and Lading stand condemned.

THE Lords having declared the Grounds of their first Condemnation to have been, the Master being a *Hollander*, and an eighth Part Owner of the said Ship; which, by your Majesty's Instructions, say they, was sufficient to condemn both Ship and Lading: And their last Sentence, as it is apostil'd upon the Process, has these Words: That the Probation adduced, that *Deirick Jacobson*, Master of the Ship called the *Calmar*, had his Residence at *Amsterdam* at the Time of the Capture, is the stronger and more pregnant Probation, expressing his House and *Domicile*.

THESE are the Sentences, and these are the Causes or Reasons assigned for the Condemnation.

IN two Things (may it please your Majesty) I am in the dark, and know not what to say: And in three Things I must crave Leave to say, I am not able so to satisfy my self, as to be of an Opinion concurring in the Condemnation of the Ship and Lading.

I am

I am in the dark, in that their Lordships mention in their Letter to your Majesty of *Feb. 25. 1674.* certain Instructions of your Majesty's, which have not been brought me, Mr. *Sowton* averring he could never see or find any of the Date of *June 13. 1673.*

I am in the dark likewise, that there being a Commission for examining of Witnesses directed to the *Conservitor* and others of the *Scottish* Nation in *Holland*, the Claimers have not produced it, or the Depositions upon it to me, having been (they say) refused Copies, and even a View of those Proceedings.

OF the three Things that I am not able to satisfy myself in; The 1<sup>st</sup> is, in a Point of Proceeding, viz. the issuing out a Commission to this *Conservitor*.

THE 2<sup>d</sup> is in a Point of Proof, where it is said, that the Master's Residence and Domicile is proved to have been in *Amsterdam* at the Time of his being taken.

THE 3<sup>d</sup> is in a Point of Law; wherein I hold it, (with Submission) that tho' it had been fully proved, that this Master had, when he was taken, his Residence in *Holland*, yet no more was to have been condemned in that Case but his Eighth Part, and by no Means the rest of the Ship, nor the Lading.

As to the issuing out of a Commission to the *Conservitor* of the *Scotch* Nation, it could not (as I humbly conceive) be done, unless both Parties had been consenting; it ought to have been directed to the Magistrates, or to the *Jus-Dicentes* of the Place in *Holland*, and not to private Men.

'Tis true the Privateer suggested two Things. 1<sup>st</sup>, That there was Danger from the Rabble to any that should prosecute or bear Witness for him in this Cause. 2<sup>dly</sup>, That the Magistrates themselves had refused to execute such Commissions, and menaced the Persons that looked after them.

THIS he suggests, but names no Person, Time, or Place; yet if all this were true, it is my humble Opinion, that the more legal or safer Course would have been, to have directed their Commission to the Magistrates; since your Majesty, by the Law of Nations, and by your Treaties, may of Right demand of the Magistrates of any Town or Place, Subject to the States General, (and so of all other Places in Amity with your Majesty) to have such Commissions as these are, legally and fairly executed, to prevent Failure of Justice, or in *subsidium Juris*.

IF this had been refused, as it was not probable it would have been in this Case, so long after the Peace made, there would have lain a proper Remedy from your Majesty. But I am not satisfied the Suggestion of Partiality in the Magistrate, or Danger from the Rabble, could have warranted the yielding up of this Point of State, so as to baulk the Magistrate, and to have Recourse to the *Scots Conservitor*.

THIS is a Reason of State, but there is another of Law, and 'tis this; those that execute such Commissions must be armed with Authority compulsive over the Witnesses, in Case any should stand out, or be refractory. If this be not, the best Cause in the World may be lost; nor is it to be imagined, that the *Scots Conservitor*, if he have any Power over those of his own Nation, had any to fetch in, *Hollanders*, *Englishmen*, or other Nations, such as the Claimers had Cause to produce, and to the issuing of this Commission to other than the Magistrates, after that the Claimers had opposed it, and objected Partiality against the *Scots*, was not the safer Way, which I, for my Part, would have thought myself bound to choose. But if this Commission was issued out, as Mr. *Sowton* suggests, to *Scotchmen*, named *ex parte* only, if the Claimers knew nothing of the Places or Times appointed for its Execution, and so could not possibly know nor see where to attend, what Witnesses were produced, nor do any Act or Thing for their own Defence; I suppose it will be easily granted, that the Execution of it is absolutely void; and whatever is deposed by the Witnesses under it can make no Manner of Proof in Law.

THE 2<sup>d</sup> Point that I am not satisfied in, is touching the Proof of a Matter of Fact, viz. That the Master of this Ship had his Domicile and Residence at *Amsterdam*, at the Time he was taken.

THAT he was a *Hollander* born, is agreed by the Claimers; that he had been sworn a Burgher of *Calmar*, is not denied by the Privateer; but whether afterwards he chang'd his Domicile, removing himself into *Holland*, and settling there, is the Question, and lay upon the Privateer to prove.

ON the Claimer's Side, there are no less than eighteen Witnesses examined upon a Commission from the Lords of the Session, directed to *Calmar*, and executed in open Senate there, who depose to this Effect.

1. THAT this Ship in Question was *Swedish*, built near *Calmar*.

2. THAT



2. THAT this Master was not only in the Year 1667, but also in the Year 1672, (the Time of his being taken) and even at the Day and Time of their deposing, which was in *October* 1674, a true and sworn Burgher and Inhabitant of *Calmar*.

3. THAT he had taken upon him the several Burthens of that Place, and had discharged them.

4. THAT he was in his Body and Goods subject to the Laws and Jurisdictions of *Calmar*, having not (to the very Day of their deposing) resigned or renounced his Right of Burghership; but was at that very Time acknowledged as a Member of their City, and had been, according to the Marine Ordinances of the King of *Sweden*, received to be Master of the Ship in Question, and had made in her several Voyages from *Sweden*, into *Holland*, *France*, and *Denmark*.

THE Depositions of these Eighteen Witnesses, were corroborated with a Publick Instrument from the Magistrates of *Calmar*, under their Common Seal; wherein they do attest:

1. THAT this Master took his corporal Oath of Burgher, on the 30th of *October* 1667, in open Court.

2. THAT he had been so accepted and matriculated, as appears by the Register.

3. THAT he had not obtained this Burghership, without first giving Security to two Inhabitants of *Calmar*, for his due observing, and not violating his Oath of Burgher.

4. THAT he had ever since undergone the Burthens of the City, of what kind soever they were, as others his Fellow Burghers had done; which they say appear'd out of their Books of Account, and other Publick Acts.

5. THAT he had not only continued Subject in his Body and in his Goods, as well as other Burghers, to the Laws of the Place, without any Exception, for all the Years by-past since his Admission, but that he did still remain under the same Faith and Obedience, and must do so until he hath renounced his Oath.

BESIDES these Proofs from *Calmar*, there are others from *London*, and in all of them the Witnesses stand unreprouched, and the Execution of the Commissions unexcepted against; so that they make up one of the strongest legal Proofs, that I have ever known in my little Experience of this kind. Yet my Lords of the Sessions, in their last Sentence, do say, that the Proofs brought that this Master had his Residence in *Amsterdam* at the Time of the Capture, is the stronger and more pregnant Proof, expressing his House and *Domicile*.

THIS may be so, yet having found nothing in the Master's Confession, but what is easily reconcilable with the Proofs from *Calmar*, I must suppose that the Proofs referred to by their Lordships, were those taken before the *Scotch Conservator*; if so, I can say nothing to them, having not seen them; Mr. *Sowton*, in his Petition to your Majesty, as well as in his Application to me, averring, that his Council was refused either View or Copy of them.

If these Proofs be so strong as to set those of *Calmar* aside, they must, for the Number and Credit of the Witnesses, and for the Weight and Conclusency of what is deposed, have something in them that is not commonly to be met with among Seafaring Persons, and in Causes of this Nature.

THEIR Lordships seem to lay a Stress, in that the Proofs for the Privateer do express the Master to have had a House, and to have had his *Domicile* at *Amsterdam*, at the Time of the Capture; to this I shall crave Leave to say, that the Word *Domicile* is a Term of Law, the Import whereof is not vulgarly known; the Master might have had a House at *Amsterdam*, and yet have no *Domicile* there, but at *Calmar*, where he was a sworn Burgher, where he must bear all the Burthens of a Burgher, till he renounce his Oath of Burghership, and where probably the greater Part of his Estate lay, being an eighth Part of this Ship in common with seven other part Owners of that Country and Port. And if Witnesses, tho' otherwise of good Credit, and in great Numbers, have deposed positively, that this Master had his *Domicile* at *Amsterdam*, and yet assign not concluding Reasons in Law of their so deposing, such Depositions, tho' never so full of the Word *Domicile*, prove not the Thing at all.

ONE Thing I shall crave Leave to observe in the Matter of *Domicile*, it is, that no Man can have two *Domiciles*, whereby he shall be made subject by each of them to War or Reprisals at one and the same Time. If the War in 1672, had happened to have been against *Sweden*, and not against *Holland*, and this Privateer had taken this Master, being a sworn Burgher at *Calmar*, and his paying Scot and Lot there, would, as it is, have made him good Prize, and that justly too; his being a *Hollander* being having a House at *Amsterdam*, and his passing a Winter there, (tho' never just prov'd) would not have sav'd him: If so, I do not see how this Master, could have been a Prize in vertue of his being a Burgher in *Calmar*, or Prize



Prize too at the same Time, and by the same Party, for having sojourned, and having a House at *Amsterdam*.

THE last Point, that I am not able to satisfy my self in, is a Point of Law :

FOR supposing the Privateer to have made a Prob<sup>t</sup> beyond all Controversie, that this Master had his *Domicile* in *Holland*, he should indeed have forfeited his eighth Part in the Ship; but it is my humble Opinion, that his Part could not have so infected the other seven eight Parts which belong'd to *Swedes*, much less the Lading of Pitch and Tar, which belonged in Property to an *Englishman*, and was intended, with the Privy of your Majesty's then Ambassador Extraordinary in *Sweden*, and now your principal Secretary of State, for the Service of your Majesty's Stores in the late War.

THAT the Partnership of this Master was sufficient to infect and condemn the whole, by any Law common to *Scotland*, and other Nations, is not said that I can find: But 'tis said to be a sufficient Ground by your Majesty's Instructions of the 13<sup>th</sup> of June 1673.

To this I humbly offer, *First*, That I have not seen those Instructions, and that the Claimer alledges he cannot come at the Knowledge of any Articles of that Date and Tenor. *Secondly*, If such an Article there was, seeing it was so penal, and derogates not only from the *Jus commune*, but from your Majesty's Treaties with *Sweden*, I cannot tell how it can have a Retrospect to the Time of the Lading and Taking of this Ship, which was about twelve Months before. *Thirdly*, It hath pleased your Majesty to explain and interpret this Article in this very Case, most graciously and most justly, *in hæc verba*: "That it was only intended to prevent the Fraud of your Enemies, and not to be a Snare to your own Subjects, or the Subjects of any Prince in Alliance with your Majesty.

BUT notwithstanding your Majesty's gracious Interpretation, that Article hath been so understood, as that the *Swedish* Part Owners, in continuing their Partnership, which was begun several Years before with this Master, find themselves in a Snare, which no humane Foresight could provide against.

NO more could Mr. *Sowton*, that freighted and laded this Ship in the Summer 1672, foresee that an Article so fatal as this is, would have come out twelve Months after, by which his Case was to be judged.

THAT Men are capable of Relief against this Article, hath been judged by the Lords of the Sessions themselves, their Lordships having restored to Sir *Francis Clarke* his Wire that was laden in the Ship, even after it had been condemned in the Admiralty of *Scotland*.

THE Equity for Sir *Francis Clarke* is said to lie, in that he was not upon the Place, and consequently not to suffer by the Surprize, wherewith his Factor was taken in lading his Goods in this Ship; had he been upon the Place, I know not of any Law that would have required more Diligence of him, than to have satisfied himself,

*First*, THAT this Ship was *Swedish*, built in the Port of *Calmar*.

*Secondly*, THAT seven eight Parts of her belonged to *Swedish* Subjects unquestionably.

*Thirdly*, THAT the other eighth Part Owner and Master, tho' a *Hollander* born, had been sworn and registred a Burgher at *Calmar*, five Years before the War, and stood upon their Publick Account Books, as one that had paid Scot and Lot there all that Time.

*Fourthly*, By the Laws of *Sweden*, no Man being capable of being Master of a *Swedish* built Bottom, but must be a *Suede* born, or else made so by Denization; there was a very strong Presumption this Master was so, and that this Master had made nineteen Voyages in this Ship.

The Freighter having satisfied himself in these four Points, I do not know of any Law, or Thing, that after all this should oblige him to disbelieve, not only the common Fame, but also the Publick Records of *Calmar*, and would have required as a further Diligence from him, to send to *Amsterdam*, to enquire whether this Master had his House or *Domicile* there; and consequently, if there be any Case in which a Freighter is capable of being relieved against the Rigour of this Article, this is one, in regard there was no *bonâ fide*, nor Diligence, wanting in the Freighter.

THERE seems a yet greater Equity to lie for Mr. *Sowton* to excuse him in this Surprize, if it be one; for he freighted a Ship that was *Swedish* built, and built in the very Port of *Calmar*.

THE last Branch of your Majesty's gracious Command is, that I should deliver my Opinion how these Claimers may be righted.

JUDGMENT having gone so often against them in that High Court, I do not know any ordinary legal Remedy, (in case they be found to have Right) but what my Lords

of the Sessions shall please to give of themselves. I should hope it is still in the Power of their Lordships, to review what hath pass'd before them: And,

*First*, To examine the manner that the Commission directed to the *Scots Conservator* was executed.

*Secondly*, To allow the Claimers Copies of all Depositions taken before the *Conservator*, and a Commission, if they desire it, to the Magistrates in *Holland*, to examine against the Hability and Sayings of those Witnesses; with a like Commission to the Privateer, to prove what he can against the Witnesses of *Calmar* and *London*.

*Thirdly*, In case this Master should prove to have his *Domicile* in *Holland*, when this Privateer took him, then to represent to your Majesty, what Grounds there are in the Law of *Scotland*, in the *Imperial* Civil Law, or in the Law of Nations, to condemn any more than his eighth Part: And if it be only an Article of your Majesty's Instructions that this Condemnation is grounded upon, then to represent to your Majesty how it can look backward, and affect what was done before it was published, and that in the Judgment of a Court of Law, that is bound to interpret your Majesty's Instructions always agreeable to the Law; and if it must look backward, (which, I must confess, I know not how it can) whether there be not an Equity as intrinsical to this Case of *Sowton*, which is 3,000 *l.* deep, as to that of Sir *Francis Clarke*.

*Lastly*, WHAT Answer can be given to the *Swedish* Minister's pressing for Restitution, in the Behalf of the *Svedes*, Owners of this Ship; since they seem not only to have the Law of Nations, but a Treaty of Commerce express on their Side: Which Particulars I have taken Leave to point out, as Matters of great Weight and Difficulty with me: Tho' I do it with all due Respects and Deference to my Lords of the Session; submitting the whole with all Humility to your Majesty's Royal Wisdom.

*L. Jenkins.*

### *To the KING in Council.*

*May it please your Majesty,*

*Nimeguen, Dec. 27. 1678.*

HAVING found it necessary to have some Information out of *Ireland*, touching the Matter suggested in the Petition hereto annexed, before I could give the Account it hath pleased your Majesty to command from me, by your gracious Order of Reference, I find the Matter, as far as I comprehend it, to stand thus:

THE Petitioner, Mr. *Thomas Fleming*, a Merchant in *Edinburgh*, had in the Year 1649, a Ship laden in the Ports of *St. Martin* and *St. Malo's* in *France*, with *Spanish* Wines and other Commodities, to a very great Value, upon his own Account and Company, bound and consign'd to the Port of *Leith* in *Scotland*.

THIS Ship belonging in Property to one *Williamson* of *Rotterdam*, was in the Month of *August*, in the Year aforesaid, surpriz'd and taken, with her whole Lading, by three *Irish* Frigates, having Commissions of War from the then Lord Marquis, now Lord Duke of *Ormond*, and Lord Lieutenant of *Ireland*, in her Course, as she was upon the high and open Seas, sailing for *Leith*, her Port of Discharge; and was afterwards brought to *Dunkirk*, and then the greatest Part of her said Lading was there dispatched, and divided by the Takers, without any Adjudication or Condemnation, as is usual in such Cases.

THE Petitioner having had Recourse to your Majesty, being then at *Hounslardyke* in *Holland*, it pleased your Majesty to direct your Commission to Sir *Henry Dervicque* and Sir *Thomas Cunningham*, being then at *Bruxels*, to be your Majesty's Judges Delegates, to hear and determine this Cause; who having heard it, did by their Sentence declare the said Goods to have been unduly taken and seized; and also did adjudge and condemn one *Coruelius Claesen Vanderzype*, and Partners, jointly and severally Owners of the said three Frigates, to make full and present Restitution to the said *Thomas Fleming* and Partners, of all the Cargo, Goods, Moneys, Trunks, and other Commodities, that were on board the said Ship, in as good Condition as they were at Time of the taking thereof; or else to pay the Value of the same, at the Rate might have been sold for in *Edinburgh*. The Value of the Goods, together with Expences, is set down in the said Sentence, as amounting to 3676 *l.* 6 *s.* 8 *d.* in which Sum the said *Vanderzype* and his Partners are condemned, as by the said Sentence it self doth more at large appear.

THIS Sentence, which was given at *Bruxels* the 11<sup>th</sup> of *August* 1650, N<sup>ext</sup> Month your Majesty, under your Royal Sign Manual, to confirm and ratify. IN

of *October* following.

In the Year 1678, the Petitioner commenced a Suit in the Court of Admiralty in Dublin, against the Lord Marquiss of *Antrim*, *Ambrose Lynch*, and several others, some as Owners, (or at least Part Owners) some as Executors or Administrators of such as had been Owners or Part Owners of the said Frigats, or of some or one of them, and the Scope of this Libel is to have the *Bruxels* Sentence put in Execution against the abovesaid Parties, their Goods and Chattels, lying and being within the Jurisdiction of the Admiralty of *Ireland*.

To the Libel of the Petitioner, the Proctor for the said Marquiss, and *Lynche*, and *French*, (the rest not appearing) put in their Plea of Defence, consisting of certain peremptory Exceptions (as they term them) against the *Bruxels* Sentence, as a Sentence null and void in it self, as to Effects of Law.

1. For that the Judges delegated had no Jurisdiction to give it.
2. THAT the Defendants, if Parties in it, were never called nor cited.
3. THAT the necessary Solemnities of Law were not observed in the Proceedings towards it, and that the Sentence was not conform (as all Sentences ought to be) to the Plaintiff's Libel.
4. THAT their Sentence is not certain nor liquid, but vague and obscure.
5. THAT supposing the said Sentence to have none of the abovesaid Nullities in it,

never entered into, nor were in any Society or Partnership with the said Marquiss, either as to the said *Irish* Frigates, or to the taking and sharing of the Prize in Question.

BESIDES these Exceptions against the *Bruxels* Sentence, the Defendants offered another Plea, which was; First, That had they been chargeable with this, as a Spoil, yet it having happened (as it is laid) before the Rendition of *Gallway*, they were discharged by the Articles then accorded to the *Irish* Party; and further they pleaded, and desired the Benefit of your Majesty's most gracious Act of free and general Pardon, Indemnity and Oblivion, pass'd in the 12<sup>th</sup> Year of your Majesty's Reign, immediately after your Majesty's happy Return.

THESE were the Pleas of the Defendants in the Court of Admiralty in *Ireland*; and these Pleas were over-ruled upon Debate, and the Judge of the Admiralty proceeding further, pronounced and decreed that the *Bruxels* Sentence should be put into Execution against the Defendants.

FROM this Decree, the Defendants appealed to your Majesty's Court of Admiralty here in *England*, and had an Inhibition granted them to stop all further Proceedings, and particularly, to stop the putting of the *Bruxels* Sentence in Execution in *Ireland*.

THIS Inhibition from hence was not to be denied to those Appellants, but they being ordered at the same Time to give Bail (which is the constant Course) to abide the Judgment of the Court upon the Appeal, and they not doing it, the Court decreed the Inhibition to be revok'd, unless they should give in Bail by a Day prefixt.

THIS they refused to do, and their Proctor did appeal from this Decree for giving Bail to your Majesty, in your High Court of Chancery; but it doth not appear that they did prosecute their Appeal with Effect, by suing out a Commission of Delegates before my Lord Chancellour.

THIS Commission not being sued out, and that Inhibition from the Admiralty here, to the Admiralty in *Ireland*, standing as it doth revok'd, the Judge in *Ireland* was at Liberty to do as he had decreed; that is, to put the *Bruxels* Sentence in Execution.

THE Defendants in the Admiralty in *Ireland*, to prevent this, have had Recourse to your Majesty's Court of King's Bench there, for a Prohibition to stop all Proceedings in the Court of Admiralty, which after Hearing of the Petitioner Mr. *Fleming* by his Council, was awarded against him.

TOUCHING this Prohibition, and the granting of it, my Lords the Judges of the King's Bench in *Ireland*, do by Way of Report certify his Grace the Lord Lieutenant, and the Council to this Effect, viz. That the Lord Marquiss of *Antrim*, *Ambrose Lynch*, &c. had exhibited a Suggestion in the Court of King's Bench, setting forth among other Things, that by the Law of the Land, no Judgment or Sentence ought to be given against any Person till they be by due Process of Law summoned to appear and answer; notwithstanding which, Mr. *Fleming* had impleaded the said Lord Marquiss, and the others in the Admiralty Court of *Ireland*, upon a Sentence given by certain Delegates against one *Cornelius Claessen Polder-type* and his Partners, at *Bruxels* the 11<sup>th</sup> Day of *August*, 1650. whereas the said Sentence is void in Law, and of no Force against the Lord Marquiss or the others, and that they were never named, nor are Parties to the same, and that they did offer the same to the Court

of Admiralty, and pray'd the Benefit of the Act of Oblivion; but the said Court of Admiralty refused to admit of the said Allegations, but proceeded to the said Lord Marquiss, as well as the other Parties.

THIS (it seems) was the Suggestion; and after Time given to Mr. Fleming, to shew Cause why a Prohibition should not be granted, it was awarded against him.

THE Judge of the Admiralty in *Ireland* having their Hands tyed up by the Prohibition, the Prayer that Mr. Fleming makes to your Majesty is, to have your Majesty's Letter to his Grace the Lord Lieutenant in *Ireland*, in Order to have this Prohibition taken off. But I doubt this Prayer is not regular; for a Writ of Consultation upon this Prohibition would be (as I humbly conceive) the only proper and legal Remedy to the Petitioner. Therefore the Petitioner ought to move the Court of King's Bench by his Council, for your Majesty's Writ of Consultation; and in Order to obtain it, I conceive, with Submission, that it may not improperly be offered to the Court.

1<sup>st</sup>, As to the Point of Summons by due Process of Law to be before Sentence be given against any Person, it is most undoubtedly true, but then I suppose it will not be denied, that as the Courts of Common Law have distinct Sorts of Summons, and a peculiar Way of serving and executing them, as also of taking and recording Defaults upon such Summons, so have all Courts of Admiralty certain Forms and Methods for the same Ends, peculiar to themselves. These are derived from the Civil Law, and received by the general Consent and Usage of most Nations.

It will be granted likewise, that Courts must be allowed to be Masters of their own Forms and Solemnities; and that the Way of Process in one Court, is not to be a Standard or Measure of due Proceedings in Matter of Process to another Court; for as each Court goes in its Judgment upon the Merits of the Cause by the Law, (whether Common or Civil) that is to govern it; so in the Forms and Course of the Court, the ancient Usage is still the Rule.

IN this very Case, the Judges delegated by your Majesty sate at *Bruxels*, which is in the King of *Spain's* Territories; the Prize was brought up to *Dunkirk*, which is the *French* King's; the Defendants in this Cause were in *Ireland*, and I suppose under the Subjection of the then Usurpers; yet the Civil Law doth allow of Processes that may be good and effective, and Defaults well taken thereupon, in such a Case as this is; the Common Law hath no such Processes, and consequently the Common Law Courts cannot (under Correction) determine, whether the Process in this Case were due or not; this being to be judged upon the Appeal, according to the Course of Admiralty and the Civil Law.

THIS I suppose will be allowed, when it shall be considered, that the Right and Property of Ships and Goods, to the Value of several Hundred Thousands of Pounds, have been adjudged and determined upon the Validity of the Civil Law Processes here, only hung upon the Exchange, and made returnable upon a certain Day, and within a competent Time; such Processes affecting the respective Owners and Proprietors in very remote Parts beyond the Seas.

I do not take upon me to affirm, that the Processes and Proceedings had at *Bruxels* in this Cause were due and legal, there being some Men in the Sentence condemned, of whose being called there is no *Constat* in the Sentence; but whether they were called or not, cannot appear judicially, but upon the Appeal.

To the 2<sup>d</sup> Part of the Suggestion, viz. That the *Bruxels* Sentence given against *Vanderzype* and his Partners, was void in Law, and of no Force against the Lord Marquiss of *Antrim*, and the other Defendants; the said Defendants being never named in the Sentence, nor made Parties in the same: It may be offered, that the Cause of Action, upon which the Delegates at *Bruxels* gave their Sentence, was a Cause of Spoil and Depredation acted upon the high and open Seas, and consequently cognisable in the Court of Admiralty alone, and to be judged by the Civil Law; if so, the Sentence cannot be pronounced void, but by a Court of Appeal Proceeding by the same Law.

It is the same Law that must determine what amounts to Partnership in this Case, and what not; and whether the Defendants are to be understood to be Parties in Law to this Sentence or not.

I do not say, but that this Sentence hath several Clauses in it, that look sufficiently as to the Validity of them, but still the true Judgment of them is to be upon the Appeal, where the Proofs, the Acts, and the Exhibits, upon which, pronounced, are to be discussed and judged of, according to the Law of the Civil Law, and the Court of Admiralty.

To the 3<sup>d</sup> Point in the Suggestion, viz. That the Allegations of the Defendants were rejected, and that the Benefit of the Act of Oblivion, tho' they re-

refused to the Defendants. It may be likewise offered, that those Allegations are to be judged by the same Law, that the Libel in the Original Cause and the Sentence is to be tried by.

THE peremptory Exceptions given in in *Ireland* by the Defendants, appear to me to be concludent in themselves, and would have been *relevant* against the Sentence at *Bruxels*, had they been proved; but concerning what the Judge did in the admitting or rejecting of them, the Acts of Court, in the Transcript I have given me, are obscure, and have a seeming Contrariety in them; so that no Judgment, before the Error be rectified, can be made upon them.

As to the Act of Oblivion, it had been a most erroneous Thing not to have admitted the Defendants to plead it; but that they were admitted to do it, appears even out of the Acts of Court.

It is one Thing to reject a Plea in Law, and another Thing to over-rule it upon the shewing; for Example, Piracy is not to be pardoned by the Act of Oblivion: And if the Judge of the Admiralty should (and that erroneously) be of Opinion, that the Spoil acted upon Mr. *Fleming's* Ship and Lading was an Act of Piracy, his pronouncing that the Defendants have no Right to come under the Act of Oblivion, would indeed be a refusing to them the Benefit of the Act; but such a Refusal were not to be remedied, as I humbly conceive, by a Prohibition; but the erroneous Judgment, (if it were such a one) were to be reversed upon the Appeal. For all erroneous Judgments given in the Civil Law Courts, are to be reformed by Appeal, and not by Prohibition; for the End of a Prohibition is, to restrain the Civil Law Courts when they exceed their Bounds, in holding Plea of Things cognisable by the Courts of Common Law; and all the Precedents relating to the Admiralty that I have seen, are in Cases where 'tis suggested, that the Admiralty had not Jurisdiction in the Original Matter, and not for Enormities in the Manner of Proceeding.

If this Prohibition be not taken off, the Petitioner, Mr. *Fleming*, is without Remedy: For he has no Means left, but by the Course of the Admiralty, to come to a Trial with the Defendants, whether they are in any wise or measure accountable or not, for the Loss and Damage he sustained by the said *Irish* Frigates; as also whether they are Partners, or were Setters out of the said Frigates or not; not to have his Remedy in any Court, would amount to a Failure of Justice, which is a Thing that all Laws abhor.

ON the other Side, if a Consultation should be awarded him, there is no such Mischief would befall the Lord Marquis of *Antrim*, and the other Defendants; for if the Civil Law, or Act of Oblivion, do clear them, they will be relieved against the Decree in *Ireland*, and also against the Sentence at *Bruxels*, and the Petitioner will be debarr'd all further Prosecution; and they, the Defendants, (as the Case may happen) dismiss'd with good Costs.

It may be further noted, that the Prohibition was not sued for while the Cause was yet depending in *Ireland*, which ought to have been done, but it was sued for after an Appeal made to the Admiralty here in *England*; and after that, the Appellants found themselves enjoined here to give Caution to abide the Judgment upon the

themselves obliged to prosecute their Appeal in the Court of Delegates, as many of my Lords the Judges of the Courts of *Westminster* to be of the *Quorum*, as my Lord Chancellor shall think fit to name; and sure his Lordship will name some of them (as he uses to do) in a Commission of this Importance, and where there arises a Question upon the Act of Oblivion.

If this Cause should come judicially before me, I humbly take Leave to reserve to my self the Liberty of proceeding and pronouncing, as the Fact shall happen to be, upon the Proof judicially to be made of it; for the Account I have had of it, in order to make this Report, is very imperfect, and altogether extrajudicial. All which is most humbly submitted, &c.

L. Jenkins.

To the KING.

May it please your Majesty,

Feb. 11. 1679-80

HAVING, in Obedience to your Majesty's gracious Order in Council, of the 6<sup>th</sup> Current, perused the Informations that were sent me, relating to a *Bristol* Merchant

...on Board it; it is my humble Opinion:  
That the Ship, with all the Goods of the Ladies, should be restored to the Owners and Freighters, without their paying Salvage or other Dues, (as may be pretended) either to your Majesty's Officers, or to the Lord High Admiral's Officers, or to the Lord of the Admiralty, where the Ship and Men were saved, excepting only to those who may have taken pains, and labour in saving the Ship or Goods from perishing, their reasonable Wages by the Day or otherwise.

For there is no Law or Custom that I know of, for Salvage, Groundage, or other Dues, in a Case as this is, the Owners and Freighters not being to be charged with a Penalty, (as the Custom in some Places is) for the Neglect or Mismanagement of the Master or Pilot, the true Master not being on Board, and the Enemies only having the guiding of the Ship.

Nor doth it take away the Right from the Owners, that this Ship is come into the Lord High Admiral's Power, after that it hath been for the Space of 24 Hours (as indeed it hath been for seven or eight Days) in the Possession of the *Algerines*, for here was no Chase given to the *Algerine*, by any of your Majesty's Men of War, to force him to quit his Prize; nor was the Merchant Man recovered by the Help or Countenance of any other Ship; but driven in by meer Streets of Weather.

Besides, had this Ship belong'd to the Subject of any Neighbour Prince or Ally, it could not, coming in in these Circumstances, be refused to be restored to the Owners without Salvage, or other Rights of Admiralty; much less can this be refused to your Majesty's own Subjects, whose Ships, Goods, and Merchandizes, as well as their Persons, when they happen by Accident to be cast upon your Coasts, or come upon your Shoars, are under your Majesty's most special and gracious Protection; so the Law hath been anciently, appears by the Statute of the Staple, 27 Edw. III. c. 13.

• Secondly, As to the Spoil and Embezzlement committed upon the Goods in this Ship, a Commission of Enquiry and Restitution is, as I humbly conceive, most properly to issue out of the Court of Vice Admiralty in *Ireland*; within the District of which this Accident hath happened; and every Thing that can be found ought to be restored without delay, the Claimers making a summary Proof: And there are Laws also for punishing the Spoilers and Embezzlers, which it were well for Humanity, as well as Justice Sake, if they were put in due Execution there, and in all other Places where Wrecks do happen.

As for the *Moors* and *Turks* that are so by Birth, and were found on Board this Ship, it is my humble Opinion, that since the Government of *Algiers* is owned, as well by several Treaties of Peace and Declarations of War, as by the Establishment of Trade, and even of Consuls and Residents among them, by so many Princes and States, and particularly by your Majesty; they cannot, as I humbly conceive, be proceeded against as Pirates, or Sea Rovers, acting without Commission, but are to have the Privileges of Enemies in an open War, and must be received to their Ransom by Exchange or otherwise; the ordering of which doth in this Case belong to the Lord High Admiral.

As for the *Spanish* Renegado, he must, as I humbly conceive, for the Reasons above-mentioned, be treated as a Prisoner of War; he cannot be proceeded against as a Pirate; but I humbly offer to your Majesty's Consideration, whether it be not proper to consign him into the Hands of the Admiralty of *Spain*, or that of *Flanders*, by the first Ship that goes out of *Ireland* for either Coast. And that Orders at the same Time be given to your Majesty's Minister, either at *Madrid* or *Brussels*, to demand Justice in your Majesty's Name against him, for having served under your Majesty's Enemies, and also to demand Satisfaction (tho' it is scarce to be imagined to give any) for the Damages of these Owners and Freighters.

As for the *English* Renegado, an Act of High Treason will, as I have unavoidably observed, upon the Statute of the 25th of Edw. VI. War against your Majesty, and adhering to your Majesty's Enemies. It is done by a Commission of Oyer and Terminer in *Ireland*, and the Case are to be at the Statute of the 25th of Henry VIII. c. 1.

To the Right Honourable the Lord High Chancellor of England.

MY LORD,

April 1. 1680.

HAVING received your Lordship's Order, interposed in the High Court of Chancery on the 20th of November last, between *George Clare* Complainant, and *Thomas Newman* and others Defendants; I appointed a Day to the Proctors of each Side, to attend with their Advocates, as they have since done. I did at the Time appointed cause your Lordship's Order, and the said Bill and Plea, to be publickly read, and heard the Advocates upon the Law and Practice in such Cases, as also my Register in Relation to the several Proceedings had in the Court of Admiralty, about setting out the Part of the Ship *Gustavus*, belonging to Mr. *Clare* the Complainant, upon the later Voyages, whereto he did not contribute his Part. Upon the whole Matter, I humbly certify your Lordship, that in Regard Mr. *Clare* was, according to the ancient Practice of the Admiralty of *England* in such Cases, duly summoned and admonished to contribute his *Quota*, as Part Owner to the setting out of the Ship, as the other Part Owners did, and that he refused, or at least neglected so to do; and that thereupon a due Appraisement was made, and Bail given by Mr. *Newman* and others Owners of the other Parts, to bring back the Ship, and consequently Mr. *Clare's* Part in it, within the Time limited in the Acts of Court for letting his Part go out upon Bail, or else, in Case the Ship should miscarry, to pay him the Value of his Part, as it stood appraised before its setting out, and that the said Mr. *Clare's* Part was repaired, fitted, and set out in those Voyages at the Charge of the said other Part Owners; he the said Mr. *Clare* ought not, by the Civil Law, nor by the Practice in the Admiralty of our Neighbouring Nations, nor particularly by the Course of the Admiralty of *England*, to have any Share in the Freight or any other Profits made by the said Ship in those Voyages.

IF the Law and Practice in *England* were otherwise, it would be very mischievous to our Shipping and Navigation, the greatest Part whereof being carried on by the Contribution and joint Force of Part Owners, all Partnership would cease, if a Partner, bearing no Part of the Burthen, should come to a Share in the Profits. Nor would there scarce any Sea-Voyage go forward, if it were not in the Power of the Major Part of the Owners to over-rule a cross-grain'd Partner, and to dispose of the whole Ship, securing to such Partner, either that the Ship shall return, or if it do miscarry, that he shall be paid the Value of his Part, as it was appraised before it was set out. All which I humbly submit to your Lordship's great Wisdom.

L. Jenkins.

*The End of the Second Volume.*













